

Washington State



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**Senate Committee
SERVICES**

SENATE COMMITTEE SERVICES

BILLS PASSED

DURING THE 2001 REGULAR

LEGISLATIVE SESSION

BY COMMITTEE OF ORIGIN



DATE: April 22, 2001

TO: Washington State Senate Senators and Staff

FROM: Stan Pynch, Director
Senate Committee Services

SUBJECT: Bills Passed During the 2001 Regular Legislative Session Report

We are pleased to provide you this Senate Committee Services (SCS) report, Bills Passed During the 2001 Regular Legislative Session, by Committee of Origin. Very simply, this report includes a brief description of each Senate and House bill passed by the 2001 Legislature in the recently completed regular session. Bills are listed under their committee of origin in the Senate. We will likely provide a short supplement upon completion of the special session.

Because the Governor has not yet taken action on the overwhelming majority of bills included in this report, we have included very limited information regarding vetoes. Our objective is to provide this report immediately upon sine die.

We will be working with House staff in the weeks ahead to prepare the more comprehensive 2001 Final Legislative Report. You are likely familiar with that report, which has been produced for many years. It will include the final bill report for each bill passed by the 2001 Legislature and relevant gubernatorial veto messages.

It was a pleasure to serve you again this session, and we hope you find this report useful. Please let us know how we can continue to serve you more effectively.

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AGRICULTURE & INTERNATIONAL TRADE

786-7411

SB 5108: MODIFYING PROVISIONS RELATING TO THE GROWING OF SHORT-ROTATION HARDWOOD TREES ON AGRICULTURAL LAND.

Prime Sponsor: Senator T. Sheldon

(SHB 1024 Representative Doumit)

- ! The maximum length of the growing cycle for short-rotation hardwoods is increased from the current 10 year period to 15 years for the purposes of the timber excise tax and the Forest Practices Act.
- ! Specific reference is included in the B&O tax statute that short-rotation hardwoods are included in the definition of an agricultural crop.

SSB 5497: EXCLUDING FARM AND AGRICULTURAL LAND ENROLLED IN THE CONSERVATION RESERVE ENHANCEMENT PROGRAM FROM FOREST LAND UNDER THE FOREST PRACTICES ACT.

Prime Sponsor: Senator Rasmussen

- ! Agricultural land enrolled by contract in the Conservation Reserve Enhancement Program for up to 15 years is not subject to regulations as forest land if such land was historically used for agricultural purposes and the landowner intends to continue to use the land for agricultural purposes in the future.

SSB 5621: ALLOWING CERTAIN HEALTH PRACTITIONERS SPECIALIZING IN THE TREATMENT OF ANIMALS TO OPERATE INDEPENDENTLY OF VETERINARIANS.

Prime Sponsor: Senator Rasmussen

(HB 1724 Representative Haigh)

- ! An interpretation by the Veterinary Board of Governors that animal massage is a veterinary practice is addressed by creating an animal massage practitioner licensing program.
- ! An animal massage endorsement is added to an animal massage practitioner license upon completion of 100 hours of training in either small or large animal massage.
- ! During the first year the law is in effect, the 100 hour requirement can be fulfilled with a minimum of 50 hours of training plus 50 hours of practical experience or continuing education.

SSB 5734: MODIFYING REQUIREMENTS TO RECEIVE STATE ALLOCATIONS FOR AN AGRICULTURAL FAIR.

Prime Sponsor: Senator Hale

(SHB 1897

Representative Delvin)

- ! Authorizes the director of the Department of Agriculture to allow a county fair that has operated for at least two years to reorganize as an area fair and thus be eligible for state fair funding.

ESJM 8016: EMPHASIZING FREE AND FAIR TRADE OF NONANADROMOUS AQUACULTURE PRODUCTS BETWEEN THE UNITED STATES AND CANADA.

Prime Sponsor: Senator Shin

! The President of the United States and Congress are requested to emphasize the importance of the free and fair trade of upland aquacultural products in its relations with the Canadian government.

SJM 8019: PETITIONING THE SECRETARY OF AGRICULTURE TO REVIEW CERTAIN POLICIES OF THE CONSERVATION RESERVE ENHANCEMENT PROGRAM.

Prime Sponsor: Senator Rasmussen

- ! The Secretary of the U.S. Department of Agriculture is requested to alter policies and to allow the inclusion of lands that currently produce perennial horticultural crops to be included into the federal Conservation Reserve Enhancement Program, not just annually cropped and pasture lands.

SHB 1140: MODIFYING THE TAXATION OF GRAIN WAREHOUSES.

Prime Sponsor: Representative Schoesler

- ! Grain warehouses are allowed to pay business and occupation taxes in the year that the warehouse receives the storage charge from the farmer regardless of whether the warehouse is on the cash or the accrual basis of accounting.

SHB 1339: PROVIDING EQUITY IN THE TAXATION OF FARMERS.

Prime Sponsors: Representatives Linville and Ericksen

- ! Definitions are provided for terms used in state agricultural tax laws.
- ! Farmers eligible for the business and occupation tax exemption are also exempt from the litter tax.
- ! Farmers who also manufacture are allowed the exemption for seed, feed and fertilizer but would continue to pay the manufacturer's tax.

2SHB 1752: ALLOWING FOR CLAIMS FOR WILDLIFE DAMAGE ON RANGELAND SUITABLE FOR GRAZING OR BROWSING OF DOMESTIC LIVESTOCK.

Prime Sponsor: Representative Clements

(SB 5948 Senator

Honeyford)

- ! Eligibility for the crop damage claims program is expanded to include rangeland forage on privately owned land that is open to public hunting.
- ! The new program is established for a three- year trial period. Prior to its termination, the Joint Legislative Audit and Review Committee is to conduct a review of the program after which the Legislature may extend the program.

HB 1780: CONCERNING MONEYS IN THE FRUIT AND VEGETABLE DISTRICT FUND.

Prime Sponsor: Representative Armstrong

(SB 5781

Senator Rasmussen)

- ! The authorization is extended to use fruit and vegetable district funds for activities to control an outbreak of apple maggot.

SHB 1891: INCREASING THE INTERNATIONAL TRADE OF WASHINGTON STATE AGRICULTURAL PRODUCTS.

Prime Sponsor: Representative Mulliken

(SSB 5897 Senator

Rasmussen)

- ! Provides greater emphasis to expand foreign markets for state produced agricultural products with two additional programs administered by the Department of Agriculture.

- ! A market development and promotion matching fund program is established to provide state seed money to match federal, commission, and private dollars to expand markets for state agricultural products.
- ! A trade barrier matching program is created to combat trade barriers erected by foreign countries to our agricultural products.

SHB 1892: REGULATING AGRICULTURAL COMMODITY BOARDS AND COMMISSIONS.

Prime Sponsor: Representative Linville

(SB 5902

Senator Rasmussen)

- ! Commodity commissions are authorized to retain private legal counsel to address trade barriers before foreign tribunals.
- ! Commodity commissions are provided authority to establish foundations, and to participate in meetings at all levels of government on behalf of the affected producers.
- ! Allows commodity commission board members to receive compensation of up to \$100 per day.

HB 2037: CHANGING PROVISIONS RELATING TO THE ADMINISTRATION OF IRRIGATION DISTRICTS.

Prime Sponsor: Representative G. Chandler

- ! Petition signature requirements are specified for jointly owned property for merger of minor and major irrigation districts.
- ! Restrictions are removed on annexation of lands into an irrigation district that lands need not be contiguous.
- ! It is specified that irrigation district charges are liens against property until the charges are paid in full.

ECONOMIC DEVELOPMENT & TELECOMMUNICATIONS

786-7747

ESB 5289: EXPANDING THE DEFINITION OF "PUBLIC FACILITIES" FOR PURPOSES OF THE USE OF CERTAIN REVENUES IN RURAL COUNTIES.

Prime Sponsor: Senator T. Sheldon

- ! The rural county local option sales tax program for public facilities is modified.
- ! The financing of public facilities is clarified to include the acquisition, construction, rehabilitation, alteration, expansion or improvement of public facilities for the purpose of creating or retaining private-sector jobs and to exclude certain electricity facilities. The financing of related costs is also allowed and defined to include a variety of development costs. None of the local option money may be provided to any public or private electric utility.

SSB 5335: REVISING THE AUTHORITY OF THE STATEWIDE ENHANCED 911 PROGRAM TO SUPPORT THE STATEWIDE ENHANCED 911 SYSTEM.

Prime Sponsor: Senator Snyder

(HB 1181

Representative O'Brien)

- ! Directives for the expenditure of moneys from the state enhanced 911 account are modified, and new priorities for use of the funds by counties are established. Priorities include: (1) assuring that 911 dialing is operational statewide; (2) assisting counties in achieving a basic service level for 911 operations; and (3) assisting counties in acquiring capital items for increasing 911 effectiveness.

HB 1287: EXTENDING THE PROHIBITION ON MANDATORY LOCAL MEASURED TELECOMMUNICATIONS SERVICE.

Prime Sponsor: Representative Reardon

(SSB 5510 Senator

B. Sheldon)

- ! The prohibition on mandatory local measured telephone service is extended to June 1, 2004.

SHB 1295: MODIFYING REVENUE BOND PROVISIONS OF THE ECONOMIC DEVELOPMENT FINANCE AUTHORITY.

Prime Sponsor: Representative Dunn

- ! The Washington Economic Development Finance Authority (WEDFA) is directed to focus on rural counties that are smaller than 225 square miles or have population densities of less than 100 people per square mile.
- ! WEDFA's debt limitation is increased from \$500 million to \$750 million.
- ! WEDFA's authority to issue bonds is extended from June 30, 2004, to June 30, 2006.

ESHB 1418: PROMOTING COMMUNITY REVITALIZATION.

Prime Sponsor: Representative Gombosky

(SSB 5720

Senator Carlson)

- ! A new system of property tax increment financing is authorized where tax increment areas may be designated by a county, city, town, or port district within which a portion of the receipts from regular property tax levies are diverted away from local governments imposing the property taxes and distributed to the county, city, town, or port district to finance economic development-related facilities and programs within the tax increment area.

HB 1542: EXEMPTING CERTAIN FINANCIAL OR PROPRIETARY INFORMATION PROVIDED TO THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT FROM PUBLIC DISCLOSURE.

Prime Sponsor: Representative Van Luven

(SB 5614 Senator T. Sheldon)

- ! An exemption is created to the Public Disclosure Act for financial and proprietary information collected by the Department of Community, Trade & Economic Development for researching economic trends and conducting industry surveys.

SHB 1632: PRESCRIBING CRIMINAL PENALTIES FOR FRAUDULENTLY OBTAINING OR USING DIGITAL SIGNATURES AND DIGITAL CERTIFICATES.

Prime Sponsor: Representative Ruderman

(SB 5799 Senator T. Sheldon)

- ! Three felonies are created. It is unlawful for a person to knowingly: (1) apply for a digital signature certificate in someone else's name; (2) forge a digital signature; and (3) use another person's digital signature certificate to engage in an unauthorized transaction.

SSB 1884: CHANGING PROVISIONS RELATING TO TELECOMMUNICATIONS SERVICES FOR HEARING OR SPEECH IMPAIRED.

Prime Sponsor: Representative Ogden

(SSB 5875 Senator

T. Sheldon)

- ! The Telephone Relay Service (TRS), which is used by speech and hearing impaired persons, is updated to conform with new technology and federal requirements.

EDUCATION

786-7420

SSB 5533: POSTING AND NOTIFICATION OF PESTICIDE APPLICATIONS AT SCHOOLS.

Prime Sponsor: Senator Eide

- ! Prior to an application of pesticides to a school facility, public schools and licensed day care centers must provide at least 48 hours notice to interested parents and employees that an application will take place.
- ! During a pesticide application to public school facilities and licensed day care facilities, notification signs containing specified information must be posted at specified locations.
- ! After a pesticide application is made to public schools and licensed day care centers, notification signs must remain in place for at least 24 hours, unless the pesticide label requires a longer period.

SB 5582: AUTHORIZING THE CONDITIONAL EMPLOYMENT OF TEACHERS WITH LAPSED CERTIFICATES.

Prime Sponsor: Senator Roach

SB 5582 is incorporated in its entirety into SHB 1120.

E2SSB 5695: CREATING ALTERNATIVE ROUTES TO TEACHER CERTIFICATION.

Prime Sponsor: Senator Eide

(2SHB 1607

Representative Anderson)

- ! A grant program and a conditional scholarship program are created to support three new alternative routes to teacher certification to address teacher shortages in academic subjects or in geographic areas.

SSB 5940: STRENGTHENING CAREER AND TECHNICAL EDUCATION.

Prime Sponsor: Senator Regala

(HB 1909 Representative Quall)

- ! The Office of the Superintendent of Public Instruction (OSPI) is required to establish standards for career and technical education programs that should include specified components.
- ! OSPI is required to review and approve school districts' plans for the delivery of career and technical education.
- ! OSPI is authorized to provide technical assistance to school districts regarding career guidance and to work with stakeholders to provide for the coordination of leadership activities with the curriculum of technical education programs.

SHB 1120: ESTABLISHING REQUIREMENTS FOR EMPLOYING HOLDERS OF LAPSED TEACHING CERTIFICATES.

Prime Sponsor: Representative Rockefeller

SB 5582 is incorporated in its entirety as SHB 1120.

- ! School districts may employ a teacher with a lapsed certificate but not a revoked, or suspended certificate. The individual must complete the certificate renewal requirements within two years.

HB 1255: INCLUDING EDUCATIONAL SERVICE DISTRICTS IN SCHOOL DISTRICT PROVISIONS.

*Prime Sponsor: Representative Cox
Kastama)*

(SB 5387 Senator

- ! Educational Service Districts (ESD), regional entities that provide educational services and assistance to school districts, are permitted to offer the same employee benefits to ESD employees that are currently offered to school district employees.
- ! These benefits include deferred compensation, and insurance (liability, life, health, health care, accident, disability, and salary insurance).

SHB 1256: REGARDING EDUCATIONAL SERVICE DISTRICTS' SUPERINTENDENT REVIEW COMMITTEES.

*Prime Sponsor: Representative Cox
Kastama)*

(SSB 5386 Senator

- ! The process for selecting an Educational Service District (ESD) superintendent is modified: (1) the superintendent review committee is expanded to include a subcommittee of the ESD board; (2) the superintendent review committee recommends a list of three or more superintendent candidates to the ESD board, instead of just three candidates; and (3) the ESD board may choose from the recommended candidate list or ask for the review committee for additional names to consider.

HB 1257: MODIFYING EDUCATIONAL SERVICE DISTRICTS' BORROWING AUTHORITY.

*Prime Sponsor: Representative Cox
Kastama)*

(SB 5385 Senator

- ! All nine Educational Service Districts, regional entities that provide educational services and assistance to school districts, are authorized to borrow money to buy or lease property.

SHB 1971: ALLOWING CERTIFIED REAL ESTATE APPRAISERS TO APPRAISE SCHOOL DISTRICT PROPERTY.

*Prime Sponsor: Representative Quall
McAuliffe)*

(SSB 5946 Senator

- ! School districts may have real property appraised by state-certified appraisers, not just appraisers who are qualified by a nationally recognized real estate appraisal educational organization.

ENVIRONMENT, ENERGY, & WATER

786-7455

SB 5121: CORRECTING REFERENCES TO THE FORMER OFFICE OF MARINE SAFETY.

Prime Sponsor: Senator Regala

- ! Correcting technical errors in RCW Titles 42 (Public Offices and Agencies), 43 (State Government - Executive) and 88 (Navigation and Harbor Improvements).

SSB 5182: ENSURING A SUSTAINABLE, COMPREHENSIVE PIPELINE SAFETY PROGRAM IN THE STATE.

Prime Sponsor: Senator Spanel

(2SHB 1452

Representative Linville)

- ! The Utilities and Transportation Commission's (UTC) hazardous liquid pipeline program is not transferred to the Department of Ecology.
- ! Gas companies, interstate gas pipeline companies, and hazardous liquid pipeline companies are required to pay an annual fee to the UTC to support the agency's pipeline safety program.
- ! The UTC is required to adopt rules to establish the methodology for setting the fee. Statutory criteria are included for determining the fee methodology. Pipeline safety fees may not exceed appropriated funding levels and are subject to statutory fiscal growth factor restrictions. The UTC must consult with, and periodically report to, the Citizen's Committee on Pipeline Safety.
- ! The Joint Legislative Audit and Review Committee (JLARC) conducts a review of the pipeline safety programs and reports to the Legislature by July 1, 2003. The UTC must develop a regulatory incentive program to be implemented after the JLARC review.

SB 5333: CONCERNING PRELIMINARY PERMITS FOR WATER CLOSED TO DIVERSIONS DUE TO A FEDERAL MORATORIUM.

Prime Sponsor: Senator Honeyford

- ! A preliminary permit for a water right is extended through June 30, 2002, if availability of water was directly affected by a moratorium on the Columbia River between 1990 and 1998.
- ! A cancelled application and preliminary permit are reinstated until June 30, 2002, if they provide regional water supply to one or more urban growth areas and nearby areas from an existing structure or are modified to do so. Authority is granted to so modify a canceled application or permit.

SSB 5910: REGARDING TEMPORARY NONUSE OF A WATER RIGHT.

Prime Sponsor: Senator Fraser

- ! Five circumstances that will excuse the non-use of a water right, so that the right will not be subject to forfeiture, are added: (1) weather conditions, such as temperature and precipitation; (2) Yakima River Basin

Water Enhancement Project conservation activities; (3) use of transitory return flows; (4) agreements for buying back electricity needed to use water for irrigation; and (5) crop rotation.

SSB 5925:*Prime Sponsor: Senator Jacobsen***REUSING WASTEWATER DERIVED FROM FOOD PROCESSING.***(SHB 1937**Representatives Linville and B. Chandler)*

- ! Under its wastewater discharge permit, treated wastewater from food processing (agricultural industrial process water) can be used for irrigation and other agriculture-related uses.
- ! No further water right permitting is required to distribute and use agricultural industrial process water, but reuse must not impair existing water rights for the same water source.
- ! Substitution of agricultural industrial process water will not result in relinquishment of a water right.

SB 6107: EXTENDING THE APPLICABILITY OF PROVISIONS RELATING TO GEOTHERMAL ENERGY.*Prime Sponsor: Senator Fraser*

- ! The state Geothermal Account was created to receive funds from federal agencies that lease or rent federal lands for the purpose of development and utilization of geothermal steam. The account is set to terminate on June 30, 2001.
- ! The moneys in the account are distributed to the Department of Natural Resources for geothermal exploration and assessment; Washington State University to encourage development of geothermal energy; and to the county in which the lands are located to mitigate impacts caused by geothermal exploration and development.
- ! The Geothermal Account is extended for an additional 10 years until June 30, 2011.

EHB 1015: PROHIBITING METHYL TERTIARY-BUTYL ETHER AS A GASOLINE ADDITIVE.*Prime Sponsor: Representative Pennington**(SB 6025 Senator Eide)*

- ! Due to the threat it poses to humans and groundwater, it is unlawful to knowingly add methyl tertiary-butyl ether (MTBE) to gasoline in a concentration above six-tenths of 1 percent by volume. After December 31, 2003, it is unlawful to add any MTBE to gasoline or fuel.

SHB 1136: REGARDING PRODUCT STANDARDS.*Prime Sponsor: Representative Schoesler*

- ! There is currently an increasing supply of straw in our state due to the reduction in the burning of agricultural fields.
- ! The Department of General Administration must adopt recycled-product standards for strawboard and strawboard products. The straw must be a by-product from the production of cereal grain, turf or grass seed.
- ! Adopting these standards will encourage state agencies to purchase products containing strawboard.

HB 1198: INCLUDING DRINKING WATER ACCOUNTS IN INTEREST-BEARING ACCOUNTS.*Prime Sponsor: Representative G. Chandler**(SB 5315 Senator Fraser)*

- ! The Drinking Water Assistance Administrative Account and the Drinking Water Assistance Repayment Account are created in the state treasury.
- ! The State Treasurer can automatically post each account's proportionate share of interest based on their average daily balance to the subaccounts as required by federal law.

SHB 1349: AUTHORIZING A FUNDING MECHANISM FOR REMOVAL AND DISPOSAL OF DERELICT VESSELS.

Prime Sponsor: Representative Kessler

! "Abandoned or derelict vessels" are defined as vessels that have little or no value and either no identified owner or an identified owner lacking financial resources to clean up and dispose of the vessel.

!

Local governments may apply for grants from the local toxics control account for the cleanup and disposal of hazardous substances from abandoned and derelict vessels that pose a threat to human health or the environment.

EHB 1350: CHANGING WATER RIGHT APPEALS PROCEDURES FOR RIGHTS SUBJECT TO AN ACTIVE GENERAL ADJUDICATION.

Prime Sponsor: Representatives G. Chandler and Linville (SSB 5922 Senator T. Sheldon)

! For an active general adjudication of water rights begun before October 13, 1977, the superior court conducting the adjudication will itself hear those portions of appeals from Department of Ecology (DOE) decisions on water rights involved in the adjudication that pertain to tentative determinations of validity and extent. The court will certify all other issues to the Pollution Control Hearings Board (PCHB).

! For any active general adjudication, judicial review of decisions by the PCHB on appeals from the DOE's decisions on the water rights involved will be in the superior court conducting the adjudication.

EHB 1606: ALLOWING TARIFFS FOR IRRIGATION PUMPING INSTALLATIONS TO REDUCE ENERGY USAGE.

Prime Sponsor: Representative Clements

! All public and private electric utilities are authorized to offer a program to reduce electricity usage by buying back electricity from irrigation pumping customers during their irrigation seasons. This authority is given to investor-owned utilities, municipal utilities, public utility districts, electric cooperatives and mutuals, and irrigation districts.

ESHB 1785: IMPLEMENTING THE RECOMMENDATIONS OF THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE REPORT REGARDING CAPITAL BUDGET PROGRAMS INVESTING IN THE ENVIRONMENT.

Prime Sponsor: Representative Murray

! The Office of Financial Management (OFM) will assist state agencies in developing outcome focused performance measures for administering grant and loan programs related to natural resources or the environment.

! The performance measures are used in determining grant eligibility, for program management, and performance assessment.

! Several natural resource-related grant and loan programs will require applicants to incorporate a description of the environmental benefits of their projects into their grant or loan applications.

! OFM reports to the Legislature on the implementation of the act by July 31, 2002.

ESHB 1832: MODIFYING PROVISIONS CONCERNING WATER MANAGEMENT.

Prime Sponsor: Representative Linville (SB 5869 Senator Fraser)

- ! Watershed planning units can receive an additional \$100,000 for instream flow and water quality, and also for storage, assessments, with priority for instream flow.
- ! Water right changes and transfers can be processed independently of applications for new water rights.
- ! Authority and procedures of water conservancy boards are amended.
- ! Family farm water permits are made transferrable, and the acreage limitation for family farm water permits is increased from 2,000 to 6,000.
- ! Public utilities can take a tax deduction for conservation measures.
- ! Donation of trust water rights for instream flows is authorized and receives simplified processing. Similar provisions for leasing by the state where there is a drought order are adopted.

HB 1859: EXEMPTING ELECTRIC GENERATING FACILITIES USING WIND, SOLAR ENERGY, LANDFILL GAS, OR FUEL CELLS FROM SALES AND USE TAXES.

Prime Sponsor: Representative Poulsen (ESSB 5541 Senator Jacobsen)

- ! The sales tax exemption for machinery and equipment used directly in generating electricity using wind, solar, or landfill gas as a primary power source is lowered from 200 kilowatts (200,000 watts) to 200 watts. The sales and use tax exemption is extended by four years to June 30, 2009.
- ! Fuel cells are added to the list of primary power sources eligible for a sales and use tax exemption if they are used to generate not less than 200 watts of electricity. "Fuel cells" are defined as electrochemical reactions that generate electricity by combining atoms of hydrogen and oxygen in the presence of a catalyst.

HB 1865: CHANGING WATERSHED PLANNING PROVISIONS.

Prime Sponsor: Representative G. Chandler

- ! For purposes of initiating watershed planning, the water supply utility that obtains the largest quantity of water for a water resource inventory area from the Columbia Basin Project can be an initiating government.

EHB 2247: MANAGEMENT OF STATE ENERGY SUPPLY AND DEMAND.

Prime Sponsors: Representatives Crouse & Poulsen (SSB 6177 Senator Fraser)

Provisions from the following bills are incorporated in EHB 2247, 2SSB 5912, SSB 5539, SSB 5540, SSB 5647, and SSB 5542.

- ! The jurisdiction, membership, staff roles, and procedures of the Energy Facility Site Evaluation Council (EFSEC) are modified.
- ! Direct Service Industrial (DSI) customers are provided with three alternative tax incentives for building or buying electricity from new electricity generating facilities. A tax credit program is established where gas and electric utilities may receive credit against their public utility tax liability for providing new or additional billing discounts to low-income customers or direct contributions to existing community-based energy assistance programs. A sales and use tax exemption is created for the installation or acquisition of air pollution control equipment for thermal electric peaking plants smaller than 100 megawatts.
- ! By January 1, 2002, all electric utilities (other than small electric utilities) must offer their consumers, at least quarterly, a voluntary choice to purchase electricity generated from alternative energy resources. A timeline for conducting energy audits and installing new efficiency measures is established for all state-owned and state-

leased buildings and school district buildings, and performance contracting is authorized for municipal buildings.

- ! The name and procedures for appointing members and selecting leadership of the Joint Committee on Energy & Utilities are changed.

HEALTH & LONG-TERM CARE

786-7436

SSB 5184: REPORTING INVESTIGATIONS OF VULNERABLE ADULT ABUSE.

Prime Sponsor: Senator Thibaudeau

(HB 1734 Representatives Edmonds and

Skinner)

- ! The Department of Social and Health Services must disclose the outcome of investigations conducted on people who are employed, contracting with, or volunteering for home health agencies, hospice or home care agencies, programs for the developmentally disabled, adult day programs and regional support networks.
- ! The disclosures may not include the identity of the person making the complaint.
- ! The person under investigation must receive information on the outcome of the report.

ESB 5258: REGULATING DISCLOSURE OF HEALTH CARE INFORMATION.

Prime Sponsor: Senator Costa

- ! Health care providers and facilities must take reasonable steps to delete outdated and incorrect facsimile transmission information. The health care provider or facility must verify accurate numbers prior to transmission if the recipient does not regularly receive information from the provider or facility.
- ! It is a violation of the confidentiality provisions regarding sexually transmitted disease information to cause an unauthorized communication of the protected information by facsimile transmission when the sender knew or had reason to know the transmittal information was incorrect.

SB 5359: MODIFYING THE HEALTH PROFESSIONS' APPOINTMENT OF PRO TEM MEMBERS.

Prime Sponsor: Senator Thibaudeau

(HB 1069 Representative Campbell)

- ! Repeals the limit of three pro tem members per health professions' board or commission.

SSB 5565: DISPENSING CONTROLLED SUBSTANCE ORDERS AND PRESCRIPTIONS.

Prime Sponsor: Senator Deccio

(SHB 1469 Representatives Campbell and

Cody)

- ! Certain controlled substance prescriptions for long-term care patients and hospice recipients may be faxed between the physician and pharmacist, eliminating the requirement for a paper original in order to dispense the medication.

ESSB 5566: REQUIRING UNIFORM PRESCRIPTION DRUG INFORMATION CARDS.

Prime Sponsor: Senator Thibaudeau

(HB 1301 Representative Cody)

- ! A health carrier or health plan administrator who issues a card or other technology for prescription drug claims processing must include on that card or technology all information necessary for proper claims adjudication.
- ! The information must be updated upon renewal of any plan.
- ! The act applies to health benefit plans that are delivered, issued for delivery, or renewed on or after July 1, 2003.

ESSB 5877: PROVIDING LICENSING STANDARDS FOR MENTAL HEALTH COUNSELORS, MARRIAGE AND FAMILY THERAPISTS, AND SOCIAL WORKERS.

Prime Sponsor: Senator Thibaudeau

- ! Social workers, marriage and family therapists, and mental health counselors may obtain a license from the Department of Health to practice in this state if they meet certain education, experience, and examination requirements. The certified credential is eliminated.

SB 5903: CHANGING PHYSICIAN LICENSE FEES.

Prime Sponsor: Senator Winsley

(SHB 1093 Representative Schual-Berke)

- ! The license surcharge on a physician's state license for the impaired physician's account may be increased up to \$35.

SSB 5986: REGULATING COUNTY OR LOCAL GOVERNMENT-OWNED PSYCHIATRIC FACILITIES.

Prime Sponsor: Senator Franklin

(HB 2011 Representative Campbell)

- ! The private establishments provisions which permit the Department of Health to regulate psychiatric hospitals are amended to include county or municipal owned facilities and public hospital districts.

SSB 6020: ESTABLISHING A SCHOOL SEALANT ENDORSEMENT PROGRAM FOR DENTAL HYGIENISTS AND DENTAL ASSISTANTS.

Prime Sponsor: Senator Thibaudeau

- ! Dental hygienists are authorized to assess for and apply dental sealants to at-risk youth in community-based school programs.
- ! Dental assistants are authorized to apply sealants to children in community-based school sealant programs if they have been assessed by a licensed dentist.
- ! The Department of Health (DOH) must create a school sealant endorsement program for dental hygienists and dental assistants.
- ! DOH must report back to the Legislature by December 1, 2005, on the impact of this act.

SHB 1042: ESTABLISHING STERILIZATION REQUIREMENTS FOR THE COMMERCIAL PRACTICES OF ELECTROLOGY AND TATTOOING.

Prime Sponsor: Representative Campbell

- ! The Department of Health must adopt sterilization requirements for instruments used by electrologists and tattoo artists, in accordance with nationally recognized professional standards.
- ! A violation of these sterilization requirements is a misdemeanor.
- ! In cases of civil liability, a violation of sterilization requirements is considered *per se* negligence.

EHB 1076: REMOVING THE TWO-YEAR LIMITED LICENSE RENEWAL LIMIT ON TEACHING-RESEARCH MEDICAL PROFESSIONALS.

Prime Sponsor: Representative Schual-Berke

(SSB 5601 Senator Thibaudeau)

- ! A limited license to practice medicine issued to a teaching-research member of the University of Washington School of Medicine's instructional staff is renewable annually. The two-year maximum limit on the duration of a limited license is repealed.

SHB 1093: CHANGING PHYSICIAN LICENSE FEES.

Prime Sponsor: Representative Schual-Berke (SB 5903 Senator Winsley)

- ! The license surcharge on a physician's state license for the impaired physician's account may be increased up to \$35.

SHB 1094: ALLOWING A HEALTH CARE PROFESSIONAL TO SURRENDER HIS OR HER LICENSE TO PRACTICE.

Prime Sponsor: Representative Skinner

- ! A health professional may surrender his or her state license to practice, which must be reported to the federal databank that tracks the status of health professions' licenses.

E2SHB 1180: OBTAINING AND EXPENDING FUNDS FOR THE PUBLIC HEALTH SYSTEM.

Prime Sponsor: Representative Cody (SB 5360 Senator Thibaudeau)

- ! The Department of Health (DOH) is authorized to solicit private funds to enhance public health programs for Washington residents.
- ! Private funds received by DOH must be appropriated by the Legislature, and must not be used to add permanent full-time employees.

HB 1309: ESTABLISHING TRAINING STANDARDS FOR HEMODIALYSIS TECHNICIANS.

Prime Sponsor: Representative Edwards

- ! Hemodialysis technicians must be certified health care assistants.
- ! Employers must certify that their technicians have appropriate credentials.
- ! Hemodialysis technicians are regulated by the Department of Health under the Uniform Disciplinary Act.

HB 1317: REMOVING THE EXPIRATION DATE ON EMERGENCY ADMINISTRATION OF EPINEPHRINE.

Prime Sponsor: Representative Ballasiotes (ESB 5835 Senator Finkbeiner)

- ! The expiration date of December 31, 2001, on the "Kristine Kastner Act" is cancelled. This act was passed by the Legislature in 1999, and requires emergency medical technicians (EMTs) to carry epinephrine and allows them to administer it within certain specifications.

SHB 1320: MODIFYING PROVISIONS CONCERNING ADULT FAMILY HOMES.

Prime Sponsor: Representative Edmonds (SB 5521 Senator Thibaudeau)

- ! Routine adult family home inspections may not include the private bedrooms and files of providers. Notice of violations must be sent to the adult family home provider within ten working days of the completed inspection.
- ! The minimum qualifications for an adult family home license applicant are specified, with some exceptions made.

- ! The Department of Social and Health Services must implement a food safety curriculum as part of the required training for adult family home staff in lieu of a food handlers permit.
- ! Any long-term care employer who discloses information about a former or current employee to a prospective employer of long-term care services is immune from civil and criminal liability.

SHB 1341: DEVELOPING A HOME AND COMMUNITY-BASED WAIVER FOR PERSONS IN COMMUNITY RESIDENTIAL SETTINGS.

Prime Sponsor: Representative Campbell

(SB 5185 Senator Thibaudeau)

- ! Opportunities are increased for state-funded long-term care clients to live in the community.
- ! The Department of Social and Health Services (DSHS) is authorized to seek Medicaid waiver agreements with the federal government which would change income eligibility limits for the Community Options Entry System.
- ! DSHS is authorized to cap the number of people who can take advantage of the new eligibility changes.

ESHB 1364: MANDATING GENERAL ANESTHESIA SERVICES.

Prime Sponsor: Representative Pflug

- ! Group health insurance plans must cover general anesthesia services for any dental procedure performed in a hospital if the covered person: (1) is under age seven, or disabled, with a dental condition that cannot be treated in a dental office; or (2) has a medical condition that would place the person at undue risk if the dental procedure were performed in a dental office.
- ! Group dental insurance plans must cover general anesthesia services for any covered dental procedure performed in a dental office if the covered person is under age seven or disabled.
- ! The act applies to insurance plans issued or renewed on or after January 1, 2002.

SHB 1365: REQUIRING THE DEPARTMENT OF HEALTH TO PUBLICIZE A LIST OF RECALLED INFANT AND CHILD PRODUCTS.

Prime Sponsor: Representatives Doumit and Pflug

(SSB 5688 Senator Kohl-Welles)

- ! The Department of Health is authorized to develop and maintain a product safety education campaign on recalled and/or unsafe infant and child products.

SHB 1426: ESTABLISHING A QUALITY IMPROVEMENT PROGRAM FOR BOARDING HOMES.

Prime Sponsor: Representatives Edmonds and Skinner

- ! A Quality Improvement Program is established for boarding homes to provide guidance and consultation on implementing facility and programmatic regulations.
- ! The program is voluntary for boarding homes. Information acquired through a consultation will not be disclosed to nonmanagerial Department Licensing or complaint investigation staff.
- ! Consultants in the Quality Improvement Program must not work simultaneously as boarding home licensors or inspectors, except in emergency situations.

HB 1633: MAKING TECHNICAL CORRECTIONS TO PROVISIONS CONCERNING THE INDIVIDUAL HEALTH INSURANCE MARKET.

Prime Sponsor: Representative Campbell

(SB 5817 Senator Thibaudeau)

- ! A number of technical corrections and clarifications are made in state statutes governing the individual health insurance market. These include replacing incorrect wording, adding or correcting definitions, and clarifying ambiguous language.
- ! Language is added to current law, primarily regarding portability between health plans, to put the state in compliance with the federal Health Insurance Portability and Accountability Act (HIPAA).

HB 1851: MODIFYING THE DEFINITION OF SMALL EMPLOYER TO INCLUDE SCHOOL DISTRICTS.

Prime Sponsor: Representative McMorris

- ! The explicit exclusion of school districts from the definition of "small employer" or "small group" for purposes of health insurance regulation is removed.

SHB 1920: ALLOWING MEDICAL REPORTS IN GUARDIANSHIP PROCEEDINGS BY ADVANCED REGISTERED NURSE PRACTITIONERS.

Prime Sponsor: Representative Carrell (SSB 5794 Senator Thibaudeau)

- ! An advanced registered nurse practitioner licensed in this state can provide the required written report to the court in cases where the court is considering a person's ability to make his or her own decisions.

SHB 2041: PROVIDING FOR RESIDENT PROTECTION STANDARDS IN BOARDING HOMES AND ADULT FAMILY HOMES.

Prime Sponsor: Representatives Edmonds and Skinner

- ! The Department of Social and Health Services (DSHS) must make an on-site visit within 15 days to any facility that has been issued a stop placement. The stop placement must be removed when a facility has demonstrated that the violation for which the sanction was issued has been corrected.
- ! DSHS must establish a temporary management program for adult family homes so that residents who would otherwise have to move due to a licensing action, could remain in the facility while the problems are being resolved.
- ! DSHS must provide an informal dispute resolution process for boarding homes and adult family home providers.

HIGHER EDUCATION

786-7419

SSB 5509: REQUIRING INSTITUTIONS OF HIGHER EDUCATION TO USE PERSONAL IDENTIFIERS THAT ARE NOT SOCIAL SECURITY NUMBERS.

Prime Sponsor: Senator Kohl-Welles

(SHB 1381 Representative Mulliken)

- ! Institutions of higher education are prohibited from using Social Security Numbers (SSN) for identification of students, staff and faculty except for employment, financial aid, research, assessment, accountability, transcripts or as otherwise required by state or federal law.
- ! Each institution must develop a system of unique personal identifiers for its students to be used for grading and other administrative purposes. This system must not include the students' SSN.
- ! A report outlining the institutions' personal identifier systems must be submitted to the Legislature by December 1, 2001. No new state funds may be allocated for this bill.

SB 5921: AUTHORIZING DOCTORATE LEVEL DEGREES IN PHYSICAL THERAPY AT EASTERN WASHINGTON UNIVERSITY.

Prime Sponsor: Senator Kohl-Welles

(HB 1910 Representatives Kenney and Cox)

- ! Eastern Washington University (EWU) is authorized to bring forward an applied doctorate in physical therapy program for the Higher Education Coordinating Board approval process.

SSB 6035: CREATING A COLLEGE BOARD JOB BANK.

Prime Sponsor: Senator Kohl-Welles

- ! The State Board for Community and Technical Colleges (SBCTC) is directed to create an electronic job bank, accessible on the internet, to act as a clearinghouse for people seeking academic teaching positions in the state's community and technical colleges.
- ! The job bank must have a separate section for the listing of part-time academic employment opportunities available at the state community and technical colleges.

HB 1313: CHANGING LIABILITY AND LICENSURE PROVISIONS FOR PRIVATE VOCATIONAL SCHOOLS.

Prime Sponsor: Representative Cox and Kenney

(SB 5457 Senator Kohl-Welles)

- ! Purchasers of existing private career schools may assume the contribution schedule of the previous owner thus eliminating duplicative and unnecessary contributions to the Tuition Recovery Trust Fund.
- ! Liability limits under the fund are increased to allow students to fully recover tuition paid for classes they never received in the event of a school closure.
- ! The Workforce Training and Education Coordinating Board is authorized to deny, revoke or suspend the license of a private career school if the school has been found to engage in a particularly egregious unfair business practice or a pattern of significant unfair business practices.

SHB 1515: CHANGING PUBLIC WORKS PROVISIONS FOR INSTITUTIONS OF HIGHER EDUCATION.

Prime Sponsor: Representative Armstrong

- ! Comprehensive and research universities and The Evergreen State College must use a public bid process for multi-craft public works projects over \$35,000.
- ! The college and universities must also use a public bid process for public works projects over \$15,000 that involve only one trade or craft.

HB 1623: AUTHORIZING FOUR-YEAR PUBLIC INSTITUTIONS OF HIGHER EDUCATION TO PARTICIPATE WITH THE STATE IN INVESTING SURPLUS FUNDS.

Prime Sponsor: Representative Kenney (SB 5159 Senator Winsley)

- ! The public four-year institutions of higher education are added to the list of entities eligible to invest surplus funds and utilize the resources of the State Treasurer's Office for this purpose.

HB 2126: AUTHORIZING A COLLEGE SAVINGS PLAN.

Prime Sponsor: Representative Kenney (SSB 6033 Senator Kohl-Welles)

- ! The Guaranteed Education Tuition (GET) Committee may establish and operate a college savings program using up to \$200,000 from administrative fees in the GET program for start-up costs.
- ! Refunds requested from the GET program for any reason are calculated to reflect current value of the units as opposed to a weighted average.
- ! The House and Senate higher education policy and fiscal committees are to be consulted as part of the savings program planning process.

HUMAN SERVICES & CORRECTIONS

786-7436

SSB 5014: HARMONIZING THE DEFINITIONS OF SEX AND KIDNAPPING OFFENDERS UNDER THE CRIMINAL AND REGISTRATION STATUTES AND DEFINING THE END OF THE DUTY TO REGISTER.

Prime Sponsor: Senator Costa

- ! The felonies included in the criminal code definition of sex offense are conformed with the felonies defined as sex offenses under the registration code.

SB 5047: AUTHORIZING THE DEPARTMENT OF CORRECTIONS TO DETAIN, SEARCH, OR REMOVE PERSONS WHO ENTER CORRECTIONAL FACILITIES OR INSTITUTIONAL GROUNDS.

Prime Sponsor: Senator Long

(HB 1026 Representative O'Brien)

- ! Department of Corrections (DOC) employees who are limited-authority peace officers may detain, search, or remove persons who enter or remain on DOC grounds without permission if there is probable cause to believe that the person is committing or has committed a crime or possesses contraband within the facility or institutional grounds.
- ! If a person is detained by a DOC limited-authority peace officer, DOC must immediately notify local law enforcement and transfer the person and any contraband to local law enforcement within a reasonable time.
- ! DOC employees who are limited-authority peace officers may use necessary force to protect the persons or property located within the facility or institution grounds.

SB 5048: CHANGING PROVISIONS RELATING TO LESS RESTRICTIVE ALTERNATIVE COMMITMENTS.

Prime Sponsor: Senator Long

- ! When determining whether an inpatient civil commitment or a civil commitment to a less restrictive alternative is appropriate, the court must give great weight to a person's prior history or pattern of mental decompensation that resulted in repeated hospitalizations or repeated police interventions.

SSB 5049: PROVIDING LIMITATIONS ON PLACEMENT OF A CHILD IN OUT-OF-HOME CARE WHEN A CONFLICT OF INTEREST EXISTS.

Prime Sponsor: Senator Kohl-Welles

SSB 5049 is incorporated in its entirety into HB 1102.

ESB 5051: CHANGING PROVISIONS RELATING TO PERSONS INCAPACITATED BY A CHEMICAL DEPENDENCY.

Prime Sponsor: Senator Long

(SHB 1292 Representative Tokuda)

- ! A county designated chemical dependency specialist may file an involuntary treatment petition either because a person is gravely disabled as a result of psychoactive chemicals or because the person presents a likelihood of serious harm as a result of psychoactive chemicals.
- ! The definition of likelihood of serious harm is the same as the definition in the involuntary treatment act for mental disorders.
- ! The county alcoholism or other drug addiction program coordinator may designate the county designated mental health professional to perform detention and commitment duties under this act.

SSB 5118: ENACTING THE INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION.

Prime Sponsor: Senator Costa

- ! The bill enacts the new Interstate Compact for Adult Offender Supervision and retains the existing compact with any non-compacting state on the later of July 1, 2001, or when 35 states enter into the compact.
- ! Establishes the Sentencing Guidelines Commission as the state Council and the secretary of the Department of Corrections as the Compact Administrator. The Department of Corrections will provide staff support to the Sentencing Guidelines Commission on this issue.

ESSB 5122: REVISING PROCEDURES AND STANDARDS FOR COMMITMENT OF SEXUALLY VIOLENT PREDATORS.

Prime Sponsor: Senator Costa

- ! Distinguishes the standard for release to a less restrictive alternative (LRA) from the standard for commitment and clarifies what a court may consider in determining whether a person is a sexually violent predator.
- ! Permits a court to consider release to an LRA only after a person has been civilly committed and removes consideration of whether a person's condition has changed from the first LRA hearing.
- ! Conforms spousal privilege to other civil commitment statutes and clarifies procedural issues.

SSB 5123: REVISING THE CRIME OF ESCAPE AS IT RELATES TO PERSONS COMMITTED TO THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES.

Prime Sponsor: Senator Costa

- ! "Escape by a sexually violent predator" is a class B felony ranked at level 10.
- ! The provision related to escape by sexually violent predators is removed from escape in the second degree.

SB 5270: MODIFYING REQUIREMENTS FOR CERTAIN VICTIMS OF SEXUALLY VIOLENT PREDATORS TO BE ELIGIBLE FOR VICTIMS' COMPENSATION.

Prime Sponsor: Senator Costa (HB 1271 Representative Ballasiotes)

- ! Victim compensation is provided for victims of offenders against whom the state has filed a sexually violent predator petition for civil commitment if the victim is notified of, or asked to participate in, the proceedings against the offender.

SB 5367: CHANGING COMPETITIVE GRANT REQUIREMENTS FOR COMMUNITY MOBILIZATION PROGRAMS.

Prime Sponsor: Senator Fraser (HB 1362 Representative Edmonds)

- ! The Community Mobilization grant program is moved from the Governor's Office to the Department of Community, Trade, and Economic Development.
- ! The purpose of the program is broadened to include reducing alcohol abuse, tobacco abuse, other drug abuse, and violence.
- ! The competitive grant requirements are deleted and replaced with a noncompetitive grant distribution formula that takes county population size into consideration.

SB 5393: REVISING PROVISIONS RELATING TO TRUANCY RECORDS.

Prime Sponsor: Senator Long

(HB 1297 Representatives Carrell

and Esser)

- ! The removal of juvenile truancy records is required when the juvenile involved is no longer subject to the compulsory attendance laws, and the juvenile has no other case history.
- ! County clerks are not responsible for the unauthorized release of this information by agencies or personnel over which they have no control, nor are they responsible for the accuracy of such information provided by litigants or others required to provide it.

ESSB 5413: IMPROVING ACCOUNTABILITY IN CHILD DEPENDENCY CASES.

Prime Sponsor: Senator Stevens

- ! The Department of Social and Health Services (DSHS) must, at a parent's request, facilitate a case conference to develop a written service agreement, which is the unifying document in the dependency case.
- ! DSHS must develop rules regarding good cause exceptions to child support in child dependency cases.
- ! Due process requirements are added to the legal procedures in cases involving abused and neglected children.

SSB 5417: CHANGING PROVISIONS RELATING TO OPIATE SUBSTITUTION TREATMENT PROGRAMS.

Prime Sponsor: Senator Patterson

- ! Local government control over opiate substitution or methadone programs is limited. Programs can be developed in consultation with local governments and pursuant to reasonable land use requirements.
- ! Opiate substitution treatment should not be the first treatment intervention for all opiate addicts.
- ! The Department of Social and Health Services must file an annual report to the Legislature and Governor on each certified program.

SSB 5468: REVISING THE CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE.

Prime Sponsor: Senator Costa

(SHB 1337 Representative Kagi)

- ! Eligibility for the chemical dependency disposition alternative is expanded, detention time is distinguished from treatment time served, and responsibility for payment for examinations is clarified.
- ! The court has the authority to impose community supervision sanctions if the offender violates any condition of his or her disposition or fails to make satisfactory progress in treatment.

ESSB 5583: IMPLEMENTING RECOMMENDATIONS OF THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE'S PERFORMANCE AUDIT OF THE PUBLIC MENTAL HEALTH SYSTEM.

Prime Sponsor: Senator Long

- ! The Legislature supports recommendations 1 through 10 and 12 through 14 of the Joint Legislative Audit and Review Committee (JLARC) report on the public mental health system, and requires the Department of Social and Health Services (DSHS) to submit periodic reports on the status of the implementation of these recommendations.
- ! If funding is appropriated, the Washington State Institute of Public Policy (WSIPP) will conduct a study tracking long-term client outcomes.
- ! DSHS must develop a plan to reduce administrative costs in the public mental health system.

ESSB 5606: REGARDING BACKGROUND CHECKS.

Prime Sponsor: Senator Kohl-Welles

- ! Applicants for state employment and current employees who will or may have unsupervised access to minors or vulnerable adults must have a background check. Crimes more than ten years old may be considered.

SB 5691: ADDING A LIMITATION ON SEALING OF JUVENILE OFFENDER RECORDS.

Prime Sponsor: Senator Costa

- ! The result of the holding in *State v. T.K.*, 139 Wn. 2d 320 (1999) is changed.
- ! Any motion to seal a juvenile record that is filed after July 1, 1997, must be decided using the law in effect after July 1, 1997, regardless of when the conviction occurred.

SB 5972: RELEASING JUVENILE OFFENDERS.

Prime Sponsor: Senator Hargrove

- ! The Department of Social and Health Services has authority to place juveniles on parole status and set the release date for juveniles, including those who have served their maximum sentence in an institution under a manifest injustice adjudication.

SB 5995: PROVIDING FOR INFORMATION SHARING AMONG THE COURTS, PROVIDERS, DIVISIONS, AND AGENCIES SERVING DEPENDENT CHILDREN AND THEIR FAMILIES.

Prime Sponsor: Senator Long

- ! The Department of Social and Health Services is obligated to establish guidelines and use them to facilitate the communication of relevant information among those entities needed to effectively serve families in child dependency cases.
- ! The guidelines must comply with state and federal confidentiality and privacy laws. The provisions in the bill shall not be construed to create a civil cause of action.

SSB 6055: EVALUATING CHILDREN WITHIN THE FOSTER CARE AGENCY CASELOAD.

Prime Sponsor: Senator Long

- ! The Department of Social and Health Services (DSHS) is required to identify an assessment tool to evaluate the needs of children in a state assisted support system. Information gained through use of the assessment tool is required to be used in making decisions about the child's out-of-home placement.
- ! DSHS is required to report their findings in 2002, 2004 and 2006.

**SSB 6056: PROVIDING FOR DEPARTMENT OF SOCIAL AND HEALTH SERVICES
COORDINATION OF SERVICES FOR CHILDREN AND FAMILIES IN CHILD
DEPENDENCY CASES.**

Prime Sponsor: Senator Long

- ! The Department of Social and Health Services (DSHS) must develop methods for coordination of services to families in child dependency cases.
- ! Assessment criteria should screen for multiple needs. Treatment should be developed for the individual needs of the client in a manner that minimizes the number of contacts the client has to make. DSHS must access multi-disciplinary training for staff.

**ESSB 6143: REQUIRING PUBLICATION OF LEVEL III SEX AND KIDNAPPING OFFENDER
NOTIFICATIONS.**

Prime Sponsor: Senator T. Sheldon

- ! Notification of level III sex and kidnapping offender information must be published locally, an updated list published twice each year, and website information updated monthly by the county sheriff.

**HB 1070: REVISING PROVISIONS RELATING TO THE JUVENILE OFFENDER BASIC TRAINING
CAMP PROGRAM.**

Prime Sponsor: Representative Delvin (SB 5454 Senator Long)

- ! The basic training camp program is subject to oversight by the Juvenile Rehabilitation Administration (JRA) within the Department of Social and Health Services.
- ! The JRA is authorized to extend a juvenile offender's stay in the basic training camp for an additional 40 days.
- ! The JRA is authorized to return a juvenile offender to a JRA institution for the remainder of their sentence if they violate conditions of their parole upon completion of basic training camp.

HB 1102: REGARDING RIGHTS OF FOSTER PARENTS.

Prime Sponsor: Representative Boldt

- ! The Department of Social and Health Services (DSHS) is prohibited from discriminating or retaliating against foster parents who advocate on behalf of their foster children.

SSB 5049 is incorporated in its entirety into HB 1102.

- ! DSHS is prohibited from placing a child in the home of an adult who has a conflict of interest. Conflict of interest for placement purposes is defined, along with provisions regarding employees and contractors who knowingly violate provisions of this law.

SHB 1212: SEALING CERTAIN JUVENILE RECORDS.

Prime Sponsor: Representative Bush

- ! A court may, upon request, seal juvenile records related to misdemeanors and gross misdemeanors if the person is at least 18 years old, and has met other specific requirements.

2SHB 1249: REGARDING THE QUALITY OF FOSTER CARE SERVICES.

Prime Sponsor: Representative Kagi (ESSB 5413 Senator Stevens)

- ! The Department of Social and Health Services Children's Administration shall undertake the processes of national accreditation with the goal for completion by the year 2006.

SHB 1259: PROVIDING SERVICES FOR PERSONS TWENTY YEARS OF AGE WHO ARE OR WHO HAVE BEEN IN FOSTER CARE.

Prime Sponsor: Representative Tokuda

(SB 5470 Senator Long)

- ! Independent living services are provided to young people up to age 21, who were in foster care at age 18.
- ! Services provided relate to education, employment, money management, nutrition and goal setting.

HB 1346: EXEMPTING FROM CHILD CARE REGULATIONS PERSONS WHO PLACE OR CARE FOR CHILDREN ENTERING THE UNITED STATES FOR MEDICAL CARE.

Prime Sponsor: Representative Dickerson

- ! Organizations that bring foreign children to the United States for medical care and the families who host them are exempt from licensing by the Department of Social and Health Services.

SHB 1471: REGARDING DIVERSIONS.

Prime Sponsor: Representative Darneille

- ! Criteria are established for sealing or destruction of juvenile diversion records, as well as eligibility for deferred disposition.

SHB 1650: REQUIRING MONITORING OF THE PERFORMANCE OF THE COMMUNITY MENTAL HEALTH SERVICE DELIVERY SYSTEM.

Prime Sponsors: Representatives Cody and Alexander

- ! The Department of Social and Health Services (DSHS) shall develop outcome and performance measures in conjunction with stakeholders, and shall use this information to manage the community mental health service delivery system.
- ! DSHS shall report annually on actions taken to promote collaborative service delivery for mental health clients, and propose funding transfers between divisions in operating budget requests.
- ! DSHS must develop a plan to reduce administrative costs in the public mental health system.

HB 1716: PROVIDING INCOME ASSISTANCE BENEFITS TO QUALIFIED WORLD WAR II VETERANS LIVING IN THE REPUBLIC OF THE PHILIPPINES.

Prime Sponsor: Representative Veloria

- ! Qualified World War II veterans will receive a one-time lump sum payment of \$1,500 if they move to the Republic of the Philippines and maintain a permanent residence there.
- ! In order to qualify, a veteran must have been receiving a Supplemental Security Income state supplement benefit from Washington State on December 14, 1999, and must have served the United States during World War II as a member of the Commonwealth of the Philippines military forces, or as a Regular or Special Philippine Scout.

HB 1898: LICENSING CRISIS NURSERIES.

Prime Sponsor: Representative Hankins

- ! Gives a definition for crisis nurseries, and allows the Department of Social and Health Services to license crisis nurseries under a new category called "emergency respite centers."

HB 1899: PROHIBITING THE USE OF SOCIAL SECURITY NUMBERS AND DRIVERS' LICENSE NUMBERS IN PROFESSIONAL LICENSES.

Prime Sponsor: Representative Bush

! Professional licenses may not include a person's Social Security Number on the formal document.

HB 1952: REVISING REGISTRATION REQUIREMENTS FOR TRANSIENT SEX OFFENDERS AND KIDNAPPING OFFENDERS.

Prime Sponsor: Representative Ballasiotes

- ! Offenders who are required to register and who become homeless must notify the sheriff within 48 hours, excluding weekends and holidays, of becoming homeless.
- ! All homeless offenders who are required to register must report weekly to the sheriff during business hours on a day determined by the sheriff.
- ! Sex offenders who register as homeless are subject to broad community notification.
- ! The date that the Washington Association of Sheriffs and Police Chiefs is required to implement the electronic jail booking and reporting system is delayed.

HB 2086: BRINGING STATE LAW INTO COMPLIANCE WITH FEDERAL STANDARDS FOR LIFETIME REGISTRATION FOR CERTAIN SEX OFFENDERS.

Prime Sponsor: Representative O'Brien

- ! Persons convicted of three categories of federally defined sex offenses are subject to lifetime registration. Affected categories of crimes and criteria for requesting relief from registration are included.

JUDICIARY

786-7462

ESSB 5013: CLARIFYING THE DEFINITION OF "PERSISTENT OFFENDER."

Prime Sponsor: Senator McCaslin

(SHB 1039 Representative Ballasiotes)

- ! Under the persistent offender "Two Strikes, You're Out" law, all federal, out-of-state, and prior Washington convictions for sex offenses are considered as "strikes" if they are comparable to those offenses currently listed as "strike" offenses.

SSB 5015: MODIFYING THE DEFINITION OF BORDER AREA.

Prime Sponsor: Senator Morton

- ! A percentage of the excess funds in the liquor revolving fund is distributed to "border areas" according to a specific formula to fight border related crime.
- ! The definition of "border area" is expanded to include any unincorporated area within seven miles of the Washington-Canadian border.

ESSB 5017: RESTRICTING THE SALE OF EPHEDRINE, PSEUDOEPHEDRINE, OR PHENYLPROPANOLAMINE.

Prime Sponsor: Senator Franklin

- ! It is a gross misdemeanor to sell at retail more than three packages of products containing ephedrine compounds or a single package containing more than three grams in a single transaction.
- ! It is a gross misdemeanor to purchase more than three packages of products containing ephedrine compounds or a single package containing more than three grams in a 24 hour period.
- ! It is a gross misdemeanor to possess more than 15 grams of ephedrine compounds, except for pharmacists, practitioners, manufacturers, wholesalers, retailers, or shippers or unless the compounds are stored in a home or residence under circumstances consistent with legitimate uses.
- ! Local ordinances not consistent with this law are pre-empted, but local governments may act against a violators' local business license.

SB 5038: INCORPORATING AMENDMENTS INTO THE REORGANIZED CHAPTER 9.94A RCW.

Prime Sponsor: Senator McCaslin

- ! Various statutes are amended to incorporate year 2000 amendments into the reorganization of the Sentencing Reform Act.
- ! The Code Reviser is directed to recodify sections in chapter 9.94A RCW as needed.

ESSB 5052: MAKING TECHNICAL CORRECTIONS TO TRUST AND ESTATE DISPUTE RESOLUTION PROVISIONS.

Prime Sponsor: Senator Johnson

- ! The Trust and Estate Resolution Act is modified to make various clarifications and technical corrections to the act.

- ! The process for appointing a qualified and independent person as a special representative to represent the interest of minors, unknown persons or incompetents is clarified.
- ! The process for filing an arbitrator's decision, notice to parties, and appeal procedures to superior court are set forth.
- ! If a nonjudicial binding agreement has been entered into, and a special representative has also been appointed, the agreement may not be filed with a court for 30 days without the consent of the special representative.

ESB 5053: MAKING CORRECTIONS TO ARTICLE 9A OF THE UNIFORM COMMERCIAL CODE.

Prime Sponsor: Senator Constantine

- ! Technical changes and corrections are made to the Uniform Commercial Code, Article 9, which deals with secured transactions. These corrections supplement the significant updates and changes which were enacted during the 2000 legislative session.

SB 5054: MODIFYING THE RULE AGAINST PERPETUITIES.

Prime Sponsor: Senator Johnson

- ! The rule against perpetuities is modified to set a specific time limit within which transfers of property by trust and certain other methods must become distributable or vest.
- ! The time limit is changed from "21 years after any life in being or conceived" to 150 years after the effective date of the trust or distribution document.

SSB 5187: UPDATING CREDITOR/DEBTOR PERSONAL PROPERTY EXEMPTIONS.

Prime Sponsor: Senator Johnson

- ! Currently, state statutes provide that certain personal properties (subject to dollar limitations) are exempt from legal process such as attachment and garnishment. This bill increases the dollar limitations for such properties as motor vehicles, household goods, cash, and securities.
- ! Additional exemptions are created for child support, professionally prescribed health aids, personal injury awards, and loss of future earnings.

SSB 5241: CHANGING PROVISIONS RELATING TO VENUE.

Prime Sponsor: Senator Johnson

- ! In both superior and district courts, a lawsuit involving a claim for injury to a person or property can be brought where the injury occurred, regardless of the cause of the injury.
- ! In district courts, a civil action regarding unlawful issuance of checks or drafts can be brought either where the defendant resides or where the check was issued or presented as payment.

SB 5252: EXPANDING VENUE FOR LOCAL COURTS DURING EMERGENCIES AND WHEN THE DEFENDANT APPEARS ELECTRONICALLY FROM A LOCATION OUTSIDE THE DISTRICT.

Prime Sponsor: Senator McCaslin

- ! In the event of a natural, civil, or technological emergency, temporary venue in courts of limited jurisdiction matters may be had in a court district not impacted by the emergency.
- ! Criminal actions for violations of local ordinances may be heard before the court of limited jurisdiction if the hearing takes place by electronic means approved by the Supreme Court.

SSB 5255: EXEMPTING CERTAIN INFORMATION ON CRIMINAL ACTS FROM PUBLIC DISCLOSURE.

Prime Sponsor: Senator Kastama

(SHB 1187 Representative Haigh)

- ! Those portions of records of public agencies containing specific vulnerability assessments or response plans intended to prevent criminal acts of terrorism are exempt from public inspection and copying, if the public release has a substantial likelihood of threatening public safety.

SB 5331: MODIFYING COLLECTION OF BUSINESS TO BUSINESS DEBTS BY COLLECTION AGENCIES.

Prime Sponsor: Senator Kline

(HB 1126 Representative O'Brien)

- ! In the case of commercial claims, a collection agency may attempt to collect collection costs and fees authorized by written agreement between the debtor and creditor, as long as the total collection costs charged do not exceed 35 percent of the amount of the original claim.

SB 5348: UPDATING THE UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT.

Prime Sponsor: Senator Costa

- ! The Uniform Child Custody Jurisdiction Act is replaced with the Uniform Child Custody Jurisdiction and Enforcement Act.
- ! State law is made consistent with federal law for determining jurisdiction of interstate child custody orders including giving jurisdictional priority to the child's home state.
- ! A process is provided for enforcing other states' child custody orders.

SB 5389: ADJUSTING SMALL CLAIMS JURISDICTION.

Prime Sponsor: Senator Gardner

- ! The jurisdictional amount in small claims court is increased from \$2,500 to \$4,000.

SB 5392: CHANGING PROVISIONS RELATING TO EMANCIPATION OF MINORS.

Prime Sponsor: Senator Long

(HB 1274 Representative Lantz)

- ! A minor who is 16 years of age or older and a resident of the state may petition the superior court for a declaration of emancipation. This bill amends the statute governing the procedures for a minor to obtain a declaration of emancipation by clarifying that court commissioners, as well as judges, may hear such petitions.

SSB 5472: CHANGING PROVISIONS RELATING TO TERMINATION OF MUNICIPAL COURTS AND SERVICE CONTRACTS.

Prime Sponsor: Senator Johnson

(HB 1264 Representatives Esser and Lantz)

- ! The current requirement that a city may not reestablish a municipal court or department for a ten-year period if the city has elected to eliminate its municipal court services and contract with a district court for court services is repealed.
- ! Any city that has contracted for court services with the county must notify the county legislative authority of its intent to terminate the agreement not less than one year prior to February 1 of the year in which all district court judges are subject to election.

- ! A county that wishes to terminate an agreement with a city for court services must give the city written notice not less than one year prior to the expiration of the agreement.

SB 5491: REVISING SMALL CLAIMS PROCEEDINGS.

Prime Sponsor: Senator Kline

(HB 1273 Representative Esser)

- ! The process to appeal a decision of a small claims court to the superior court is modified.
- ! Currently, superior courts conduct an entirely new trial proceeding when a case is appealed from small claims court. Under the provisions of this bill, appeals of small claims lawsuits to superior court are to be based on the record of the case in district court.

SSB 5558: CLARIFYING PENALTY PROCEDURES FOR ALCOHOL VIOLATORS.

Prime Sponsor: Senator Rossi

- ! Courts are prohibited from suspending the requirement that a person drive only a vehicle equipped with an ignition interlock device when a driver is required by statute to have one.

ESB 5790: REVISING PROVISIONS RELATING TO VEHICULAR ASSAULT.

Prime Sponsor: Senator Kline

- ! The crime of vehicular assault is committed by: (1) driving a vehicle in a reckless manner and causing substantial bodily harm to another; (2) driving a vehicle while under the influence of liquor or any drug and causing substantial bodily harm to another; or (3) driving a vehicle with disregard for the safety of others and causing substantial bodily harm to another.
- ! Vehicular assault by driving with disregard for the safety of others is ranked at seriousness level III for purposes of sentencing.
- ! Vehicular assault is defined as a "most serious offense" when it is committed while under the influence of alcohol or any drug or by driving in a reckless manner.

SSB 5896: PROVIDING FOR ADDITIONAL DNA TESTING OF EVIDENCE.

Prime Sponsor: Senator Constantine

(SHB 1889 Representative Lovick)

- ! On or before December 31, 2004, a convicted felon, who is currently imprisoned, may submit a request for post-conviction DNA testing to the prosecutor of the county where the conviction was obtained.
- ! If it is determined that testing should occur, and the evidence still exists, the prosecutor must request testing by the Washington State Patrol crime lab. A person denied a request for DNA testing may appeal to the Office of the Attorney General.
- ! After January 1, 2005, DNA issues must be raised at trial or on appeal.

ESSB 5942: INCREASING PENALTIES FOR CRIMES AGAINST DOG GUIDES AND SERVICE ANIMALS.

Prime Sponsor: Senator McAuliffe

- ! Criminal penalties are established for interference with the use of a dog guide or service animal and for causing the injury or death of a guide dog or service animal.
- ! It is theft in the first degree to wrongfully obtain or exert unauthorized control over a dog guide or service animal.

- ! A person will be ordered to make full restitution for all damages incurred by the dog guide or service animal user and the dog guide or service animal when convicted of a violation of any of the above offenses.

ESSB 5970: REVISING PROVISIONS FOR PROBATION ORDERS.

Prime Sponsor: Senator Hargrove

- ! When a defendant who has been given a suspended or deferred sentence fails to appear as directed in district or municipal court, the defendant's probationary period stops running and does not start until the defendant can be found and brought before the court.

ESJR 8208: AMENDING THE CONSTITUTION REGARDING THE USE OF JUDGES PRO TEMPORE.

Prime Sponsor: Senator Kline

(HB 4205 Representatives Lantz and Carrell)

- ! In addition to those persons currently authorized to be judges pro tempore in superior court, any sitting elected judge may serve as a judge pro tempore in superior court without the approval of the litigants, as provided by Supreme Court rule.
- ! The rule must take into consideration assignments of judges pro tempore based on the experience of such judges and must provide for the right, exercisable once during a case, to a change of a judge pro tempore.

HB 1040: AUTHORIZING CRIME VICTIMS' COMPENSATION BENEFITS IN HIT-AND-RUN VEHICULAR ASSAULT CASES.

Prime Sponsor: Representative Ballasiotes

- ! The Crime Victims' Compensation Program (CVCP) provides benefits to innocent victims of criminal acts. Vehicular assault is considered a "criminal act" for purposes of obtaining CVCP benefits if a conviction was obtained, if the defendant died while committing the vehicular assault, or is otherwise unable to stand trial because of a physical or mental infirmity.
- ! In the case of injury caused by vehicular assault, if the perpetrator is unascertainable because he or she fled the scene of the accident (hit-and-run), CVCP may authorize benefits if it can establish by a preponderance of the evidence that a vehicular assault was committed.

2SHB 1041: ALLOWING PROTECTION ORDERS FOR UNLAWFUL HARASSMENT TO RESTRAIN PERSONS UNDER THE AGE OF EIGHTEEN.

Prime Sponsor: Representative Ballasiotes

- ! A parent may petition a court for a protection order restraining a person under the age of 18 from contact with his or her child only when the person to be restrained has been adjudicated of an offense against the child protected by the order, or is under or has been under investigation for such an offense.
- ! The court may require the person restrained in the order to attend a different school from the person protected by the order. However, the court must also consider certain circumstances involved in requiring the person restrained in the order to attend another school.

HB 1062: MODIFYING PROVISIONS PERTAINING TO THE CERTIFICATION OF PEACE OFFICERS

Prime Sponsor: Representative O'Brien

(SB 5180 Senator Costa)

- ! As a condition of continuing employment, all Washington peace officers must obtain and retain certification as peace officers from the Criminal Justice Training Commission (CJTC).

- ! If a peace officer was convicted of the felony before being employed as a peace officer and the circumstances of the conviction were fully disclosed to his or her employer before being hired, the CJTC may revoke certification only with the agreement of the employing law enforcement agency.

HB 1066: REVISING THE AUTHORITY OF THE CRIMINAL JUSTICE TRAINING COMMISSION TO OWN AND OPERATE TRAINING FACILITIES.

Prime Sponsor: Representative O'Brien

(SB 5181 Senator Patterson)

- ! The Criminal Justice Training Commission (CJTC) is authorized to purchase and own training facilities.
- ! The Department of General Administration is authorized to transfer ownership of the existing training facility in Burien, Washington to the CJTC.

SHB 1091: CHANGING SEXUAL MISCONDUCT LAWS WITH REGARD TO SCHOOL EMPLOYEES.

Prime Sponsor: Representatives Lambert and Sommers

- ! New alternative methods of committing sexual misconduct offenses are: (1) sexual misconduct in the first degree, which occurs when there is sexual intercourse between a school employee and a student over 16 years of age who is not married to the employee; and (2) sexual misconduct in the second degree, which occurs when there is sexual contact between an employee and a student over 16 years of age who is not married to the employee.
- ! These new alternative methods of committing sexual misconduct offenses do not require proof that a perpetrator who was a school employee had direct supervisory authority over the victim or abused a supervisory position.

SHB 1117: PROVIDING PROCEDURES FOR ENFORCEMENT OF COURT-ORDERED RESTITUTION OBLIGATIONS IN COURTS OF LIMITED JURISDICTION.

Prime Sponsor: Representative Carrell

(SB 5175 Senator Kline)

- ! Restitution obligations, ordered as a result of conviction in a court of limited jurisdiction, may be enforced in the same manner as civil judgments without taking the order to superior court.
- ! Restitution ordered by a court of limited jurisdiction may only be extended for an additional ten years if the court finds that the offender has not made a good faith attempt to pay.
- ! Liens on real property entered pursuant to a district court judgment are filed, and satisfaction of the liens are entered, in the same manner as judgments of the superior court.

HB 1126: MODIFYING COLLECTION OF BUSINESS TO BUSINESS DEBTS BY COLLECTION AGENCIES.

Prime Sponsor: Representative O'Brien

(SB 5331 Senator Kline)

- ! In the case of commercial claims, a collection agency may also attempt to collect collection costs and fees authorized by written agreement between the debtor and the creditor, as long as the total collection costs charged do not exceed 35 percent of the amount of the original claim.

SHB 1135: MODIFYING POWER OF ATTORNEY PROVISIONS.

Prime Sponsor: Representative Lantz

- ! The power of attorney statute is updated and modernized. The authority of a person and the instances in which they have a power of attorney are specified. The statute clarifies the circumstances where a third party can rely on a power of attorney and sets forth procedures to resolve disputes in court.

SHB 1174: AUTHORIZING VACATION OF RECORDS OF CONVICTION FOR MISDEMEANOR AND GROSS MISDEMEANOR OFFENSES.

Prime Sponsor: Representative Hurst

(SSB 5323 Senator Kline)

- ! Persons convicted of some misdemeanor or gross misdemeanor offenses can have one conviction vacated under certain conditions if at least three years have passed since completion of the terms of sentence.
- ! Persons convicted of domestic violence offenses which constitute misdemeanors or gross misdemeanors can have one conviction vacated under certain conditions if at least five years have passed since completion of the terms of sentence, and if the applicant has not had a prior domestic violence conviction.
- ! Convictions of motor vehicle offenses involving drug or alcohol use and sex offenses can never be vacated.
- ! Once a conviction is vacated it cannot be used as criminal history, and the applicant is allowed to state for all purposes, including housing and employment applications, that he or she has not been convicted of that crime.

HB 1216: INVESTIGATING SUDDEN UNEXPLAINED DEATHS OF CHILDREN.

Prime Sponsor: Representative Lambert

- ! Training for the investigation of sudden unexplained deaths of children under the age of three is required for city and county law enforcement officers and emergency medical personnel certified by the Department of Health.
- ! The Forensic Investigation Council (FIC) must develop a protocol for autopsies of children under the age of three whose deaths are sudden and unexplained. Pathologists who are not certified forensic pathologists and who are providing autopsy services to coroners and medical examiners must use the FIC protocol.
- ! A county is reimbursed for autopsies of children under the age of three when the deaths were sudden and unexplained if the death scene investigations and autopsies were conducted under the protocols and the autopsies were done at a facility designed for the performance of autopsies.

HB 1227: CHANGING PROVISIONS RELATING TO ESCAPING FROM CUSTODY.

Prime Sponsor: Representative Ballasiotes

- ! Under current common law, persons act with knowledge when they are aware that their acts could result in a criminal offense.
- ! A knowledge element is codified for the crimes of escape and bail jumping and provides an affirmative defense when uncontrollable circumstances exist.
- ! Modifies the process under the Uniform Criminal Extradition Act for parole, probation, or bail violations.

HB 1243: CHANGING PROVISIONS RELATING TO THE ADMISSIBILITY INTO EVIDENCE OF A REFUSAL TO SUBMIT TO A TEST OF ALCOHOL OR DRUG CONCENTRATION.

Prime Sponsor: Representative Hurst

(SB 5557 Senator Kline)

- ! Under the state's current implied consent law, every driver in the state has impliedly agreed to submit to a test of his or her breath or blood in order to determine the alcohol concentration or presence of any drug when lawfully stopped for driving under the influence (DUI).
- ! The fact of a person's refusal to submit to a drug test under the implied consent law is now admissible in a criminal trial.

HB 1280: INCREASING THE SERIOUSNESS RANKING FOR HIT AND RUN DEATH.

Prime Sponsor: Representatives Simpson and Ballasiotes

- ! The seriousness level of the crime of hit-and-run where death results is increased from level 8 to level 9 on the felony sentencing grid.
- ! Hit-and-run resulting in death is punished at the same level as vehicular homicide involving intoxication. This statutory change will eliminate the incentive for persons who commit vehicular homicide to leave the scene in order to obtain a lesser sentence.

HB 1419: REQUIRING A NOTATION IN THE DRIVING RECORD WHEN A DRIVER IS REQUIRED TO USE AN IGNITION INTERLOCK OR OTHER BIOLOGICAL OR TECHNICAL DEVICE.

Prime Sponsor: Representative Hurst

(SB 5260 Senator Kline)

- ! For any offense involving the use, consumption, or possession of alcohol that is committed while driving, the court may order that an ignition interlock system be installed on any car the person is to drive.
- ! This bill requires the Department of Licensing to attach or imprint a notation on a person's driving record who is restricted to driving only a motor vehicle that is equipped with an ignition interlock or other biological or technical device.

EHB 1530: PROVIDING FOR THE APPOINTMENT OF AN AGENT TO RECEIVE CLAIMS AGAINST LOCAL GOVERNMENT ENTITIES.

Prime Sponsor: Representative Lantz and Carrell

- ! Each local government entity must appoint an agent to receive claims for damages. The identity of the agent must be recorded with the county auditor.

SHB 1545: REGULATING NONPROFIT ORGANIZATIONS.

Prime Sponsor: Representative Lantz

- ! The Nonprofit Miscellaneous and Mutual Corporations Act is amended to allow directors to be indemnified by the corporation for negligent acts. Directors and officers are released from liability to the corporation and shareholders unless articles of incorporation provide otherwise. A standard of practice and care for officers and directors is specified.
- ! Electronic participation at meetings is authorized. Consumer cooperatives are defined, and have a lesser quorum requirement than other corporations governed by this act. The rights of the dissenting shareholders are restricted.

SHB 1591: REVISING REQUIREMENTS FOR SERVICE OF ORDERS IN HARASSMENT MATTERS.

Prime Sponsor: Representative Esser

- ! The notice of the hearing for antiharassment orders must be the same whether it is personally served or served by publication.
- ! If the respondent has been served with the temporary order and fails to appear at the hearing, the respondent need not be served with the final order as long as the terms have not changed and the temporary order was personally served.

HB 1611: MODIFYING MISSING PERSONS RECORD RETENTION POLICIES.

Prime Sponsor: Representative Schindler

(SB 5697 Senator Roach)

- ! The Washington State Patrol dental identification system is no longer required to delete dental records of persons who were reported as missing but were later found.

HB 1613: PROVIDING A TIME LIMIT FOR THE TRANSMITTAL OF UNIDENTIFIED PERSONS INFORMATION.

Prime Sponsor: Representative Romero

(SB 5698 Senator Patterson)

- ! Within 30 days after an unidentified body is found, the county coroner or medical examiner must conduct a dental examination and must forward the results of that examination to the dental examination section of the Washington State Patrol.

SHB 1643: LIMITING LIABILITY OF VOLUNTEERS.

Prime Sponsor: Representative Lantz

- ! A volunteer of a nonprofit organization or governmental entity is not personally liable for harm caused by an act or omission on behalf of the organization or entity if certain specified conditions are met.
- ! The limitation on the personal liability of volunteers does not affect the nonprofit organization's or governmental entity's direct or vicarious liability for the harm caused by the volunteer, nor does it affect the ability of the organization or entity to bring a cause of action against the volunteer.

SHB 1649: INCLUDING STRIKING THE BODY OF A DECEASED PERSON WITHIN HIT AND RUN.

Prime Sponsor: Representative Kessler

- ! A motorist who fails to stop after striking a person who is already deceased is guilty of a gross misdemeanor.

EHB 1745: MAKING CHILD SUPPORT TECHNICAL AMENDMENTS REGARDING MEDICAL SUPPORT.

Prime Sponsor: Representative Lambert

- ! The Department of Social and Health Services (DSHS) is authorized to use the National Medical Support Notice to enforce a parent's obligation to provide health insurance for a dependent child.
- ! Limitations are placed on the authority of DSHS to promulgate rules regarding this notice.

SHB 1793: REVISING COURT FILING FEES FOR TAX WARRANTS AND RECOVERY OF STATE AGENCY OVERPAYMENTS.

Prime Sponsor: Representative Hatfield

- ! After July 1, 2003, fees for filing tax warrants for unpaid taxes or recovery of overpayments of benefits by any state agency are raised to \$20.
- ! Forty-six percent of the first \$5 collected is directed to the Public Safety and Education Account.

EHB 1864: REVISING INFORMATION REQUIREMENTS IN FAMILY LAW COURT FILES.

Prime Sponsor: Representative Dickerson

(Veto Message: Partial Veto 4/17/01)

- ! All petitioners in dissolution, nonparental, family court, child support, parentage, and child custody court actions must complete a confidential information form. The contents are specified.

- ! Parties to administrative child support orders are also required to complete and update a confidential information form. The Division of Child Support adopts rules governing the collection of the data in these forms, as well as the collection of the children's confidential information.

HB 1895: CREATING THE CRIME OF THEFT OF MOTOR VEHICLE FUEL.

Prime Sponsor: Representative Esser

(SB 5955 Senator Constantine)

- ! A person who refuses to pay or evades payment for motor vehicle fuel that is pumped into a motor vehicle is guilty of theft of motor vehicle fuel, a gross misdemeanor.
- ! The license, permit, or nonresident driving privilege of a person convicted of theft of motor vehicle fuel must be suspended by the court for a period of up to six months.

ESHB 1995: REVISING PROVISIONS RELATING TO CIVIL FORFEITURES OF PROPERTY AND CONVENING A WORKGROUP TO EVALUATE CIVIL FORFEITURE LAWS.

Prime Sponsor: Representative Dickerson

- ! A claimant who substantially prevails in a proceeding to recover seized property is entitled to reasonable attorney's fees.
- ! In all cases, the burden of proof is on the seizing agency to establish, by a preponderance of the evidence, that the property is subject to forfeiture.
- ! A joint House and Senate workgroup is convened to evaluate Washington civil forfeiture laws and practices.

SHB 2046: VALIDATING TRUSTS CREATED FOR THE BENEFIT OF NONHUMAN ANIMALS.

Prime Sponsor: Representative Haigh

- ! A new chapter under the probate and trust title is created to legally recognize trusts for the care of one or more animals. "Animal" means a nonhuman animal with vertebrae.
- ! The specific duties and obligations of the trustee are set forth.

LABOR, COMMERCE & FINANCIAL INSTITUTIONS

786-7426

SSB 5101: PROTECTING CONSUMERS IN CONTRACTOR TRANSACTIONS.

Prime Sponsor: Senator Prentice

(HB 1635 Representative Ogden)

- ! The amount of the surety bond required of contractors is increased to \$12,000 for general contractors and \$6,000 for specialty contractors. Percentages for the bond amounts for general and special contractors to be reserved for claims by homeowners are specified. The amount of the surety bond required may be increased if the director of Labor and Industries determines there have been six final judgments in the past five years against a contractor involving at least two residential single-family dwellings.
- ! The amount of insurance required of a contractor is increased for property damage and for personal injury or death of one or more persons. The maximum penalty for false advertising is increased. The \$50 limitation on contractor registration fees is doubled for the 2001-2003 biennium and will be changed in the future consistent with the fiscal growth factor.
- ! The notice that a contractor must give to a customer about the contractor's bond is to include statements that: (1) the bond might not be sufficient to pay a customer's claim; (2) retaining funds can provide greater protection; (3) the customer's property can be lienied; and (4) the customer should get lien releases.
- ! An unregistered contractors enforcement team is established with staff from the Department of Revenue, the Department of Labor and Industries, and the Employment Security Department. The Department of Labor and Industries is to increase consumer and contractor awareness.

SB 5127: DETERMINING THE NUMBER OF UNCLASSIFIED PERSONNEL IN THE SHERIFF'S OFFICE.

Prime Sponsor: Senator Prentice

- ! There is an increase in the number of unclassified staff allowed per county sheriff's departments with more than 250 employees. Departments with between 251 and 500 employees may hire up to eight unclassified staff. Departments with more than 500 employees may hire up to 10 unclassified staff.
- ! County sheriff's departments in counties operating under a home rule charter with a population of more than 500,000 may designate up to 20 unclassified administrative positions, instead of 12. This is in addition to the number set forth using the personnel formula.

SB 5197: REVISING PRIVATE ACTIVITY BOND PROVISIONS.

Prime Sponsor: Senator Winsley

- ! A new formula is established for allocating private activity bond issuing authority granted to the state by federal tax law. The new formula applies to increases recently authorized by Congress.

SSB 5205: REQUIRING SELF-INSURERS TO PROVIDE INFORMATION FOR INDEPENDENT MEDICAL EXAMINATIONS.

Prime Sponsor: Senator Prentice

- ! Self-insurers and the Department of Labor and Industries must provide all relevant medical records in a worker's claim file to health providers performing independent medical examinations.
- ! Self-insurers are only required to submit this information if the Department of Labor and Industries is also required to submit it.

SB 5206: MODIFYING GEOLOGIST LICENSING PROVISIONS.

Prime Sponsor: Senator Gardner

- ! Three separate effective dates for the law regulating the geology profession are specified.
- ! April 1, 2001, is the effective date for provisions of the law, including the creation of the geologist licensing board, a geologist's account at the Office of the State Treasurer, and the director's power to adopt rules to carry out the provisions of the law.
- ! July 1, 2001, is the effective date for provisions of the law including requirements for licensure, administration of examinations and certificates, and the criteria and penalties for unprofessional conduct.
- ! July 1, 2002, is the effective date for the provision that practicing geology without a license is a Class 1 civil infraction, punishable by a maximum \$250 fine.

SSB 5219: MODIFYING CONTRACTS FOR THE SALE OF TRAVEL-RELATED BENEFITS.

Prime Sponsor: Senator Eide

- ! Travel clubs are defined as sellers of travel-related benefits whose initial membership dues are at least twice the amount of annual membership or maintenance dues.
- ! A contract for the sale of travel-related benefits, including travel club contracts, may be cancelled by the purchaser within seven days of either the contract signing or the date that all membership materials are received, whichever is later.

SSB 5263: CHANGING PROVISIONS RELATING TO EMPLOYMENT RIGHTS OF MEMBERS OF RESERVE AND NATIONAL GUARD FORCES.

Prime Sponsor: Senator Snyder

(HB 1147 Representative Haigh)

- ! Employment, job retention, reemployment and related rights for members of the uniformed services are provided for when they are called to active state service.
- ! Discrimination based upon military status is prohibited.
- ! The legislation parallels current federal law, which protects members of the uniformed services called up for federal duty.

SB 5316: ENSURING THAT REASONABLE ASSURANCE CONTINUES TO APPLY TO EMPLOYEES OF EDUCATIONAL INSTITUTIONS.

Prime Sponsor: Senator Prentice

(HB 1177 Representatives Kenney and B.

Chandler)

- ! Community and technical colleges utilize "contingent" faculty, who do not have the job security of tenured faculty. In order to determine whether or not a contingent instructor qualifies for unemployment insurance benefits, the Employment Security Department makes a complex evaluation regarding whether or not the instructor had "reasonable assurance" of returning to work in the next school term.

! The statutory definition of "reasonable assurance" of ongoing employment is clarified, to enable more consistent determinations of unemployment insurance rights.

SB 5317: CLARIFYING HOURS AND WAGES FOR EDUCATIONAL EMPLOYEE COMPENSATION CLAIMS.

Prime Sponsor: Senator Prentice

(HB 1184 Representatives Conway and Clements)

- ! Statutory terminology is clarified regarding employment at educational institutions, for the purpose of determining Unemployment Insurance benefits during school breaks, in order to conform with federal law.

ESB 5374: IMPOSING CRIMINAL PENALTIES AND SANCTIONS FOR THE UNAUTHORIZED SALE OF BABY FOOD, INFANT FORMULA, COSMETICS, NONPRESCRIPTION DRUGS, OR MEDICAL DEVICES.

Prime Sponsor: Senator Constantine

- ! The sale of baby food, infant formula, cosmetics, personal care products or medical devices is prohibited in flea markets, swap meets or similar markets.
- ! Criminal penalties are provided, including enhanced penalties for second and subsequent offenses.
- ! Charitable events are excluded, as are sales of new merchandise where all vendors are authorized manufacturers' representatives.

ESSB 5449: PROHIBITING IDENTITY THEFT.

Prime Sponsor: Senator Prentice

(HB 1321 Representative McIntire)

- ! Businesses who have information relating to an identity theft must provide copies of all information relevant to the identity theft upon written request of the victim. In order to receive the information from the business the victim must provide to the business: a government issued photo identification card or a copy by mail; a police report; and a written statement by a law enforcement agency stating that the Washington State Patrol has on file documentation of the victim's identity through personal identification procedures.
- ! Procedures are created for victims to work with credit reporting agencies to block information resulting from an identity theft.
- ! Generally, a collection agency may not initiate oral contact with a debtor more than one time in 180 days in order to collect on debts created because of an identity theft if the victim provides certain information to the collection agency.

SSB 5502: MODIFYING BOXING OFFICIALS' LICENSING REQUIREMENTS.

Prime Sponsor: Senator Prentice

- ! Applicants for the positions of judge, referee, inspector, timekeeper, or other positions deemed necessary by the Department of Licensing (DOL) must provide annual proof of certification to DOL.
- ! Organizations that may provide certification are specified, including the International Boxing Federation and the World Boxing Association.

E2SSB 5593: CHANGING THE PUBLIC ACCOUNTANCY ACT.

Prime Sponsor: Senator Gardner

(2SHB 1597 Representatives Conway and Clements)

- ! Membership of the Board of Accountancy increases to nine members appointed by the Governor. The board has authority to make rules regarding new licensing provisions including transitioning to a new exam structure and setting fees.

- ! Individuals practicing public accounting need only obtain a license. Provisions for obtaining the new license are created. Procedures are created to allow certificate holders and inactive certificate holders to petition the board to become licensees.
- ! Reciprocity of licensing between Washington and other states is added.
- ! Under certain circumstances, non-CPA's may hold ownership positions. However, it is specified which positions in public accounting partnerships and corporations must be held by licensees.

SB 5604: ALLOWING THE LIQUOR CONTROL BOARD TO AUTHORIZE CONTROLLED PURCHASE PROGRAMS.

Prime Sponsor: Senator Spanel

- ! A private controlled purchase program occurs when a private retailer has someone underage purchase liquor at the store, in order to see if clerks check for identification.
- ! The Liquor Control Board must adopt rules authorizing private controlled purchases by liquor licensees using the assistance of persons between the ages of 18 and 21 years old.
- ! An employer participating in authorized controlled purchases must provide employees written notice of the controlled purchase program. An employer may not terminate an employee solely for a first-time failure to comply with company policy during an authorized controlled purchase.

ESSB 5703: DIRECTING A STUDY TO BE CONDUCTED OF MOBILE/MANUFACTURED HOME ALTERATION AND REPAIR PERMIT PROBLEMS.

Prime Sponsor: Senator Hargrove

(SHB 1953 Representative Kessler)

- ! "Mobile homes" and "manufactured homes" are defined and distinctions are made regarding the Department of Labor and Industries' regulatory authority over each type of housing.
- ! The Department of Labor and Industries is directed to adopt rules specifying exemptions from the permit requirement for alterations, and authorizing variances that do not comply with manufacturing standards, but do not threaten life safety. Disclosure of alteration is required upon the sale of a manufactured home.
- ! A joint legislative task force is created to review regulation of mobile/manufactured homes and make recommendations to the Legislature by January 1, 2002.

SSB 5905: CONCERNING THE NEGOTIATION, ENFORCEMENT, AND RESOLUTION OF DISPUTES REGARDING TRIBAL/STATE GAMING COMPACTS UNDER THE FEDERAL INDIAN GAMING REGULATORY ACT OF 1988.

Prime Sponsor: Senator Prentice

(HB 1797 Representative Conway)

- ! Until July 30, 2007, the state consents to the jurisdiction of the federal courts in any action brought by the tribes to settle disputes arising under the Indian Gaming Regulatory Act or tribal-state compacts.
- ! This limited waiver of sovereign immunity is conditioned upon the tribe having a tribal-state gaming compact, and upon a similar waiver of sovereign immunity by the tribe bringing the action. The limited waiver of sovereign immunity applies only to actions filed on or before July 29, 2007.

SSB 5958: ADOPTING THE WASHINGTON LIFE AND DISABILITY INSURANCE GUARANTY ASSOCIATION ACT.

Prime Sponsor: Senator Prentice

- ! The act establishes an organization of life and disability insurers with the responsibility of protecting policy holders in the event of the insolvency of a life or disability company.
- ! A fund is created made up of assessments on all life and disability insurers that cover Washington residents, including certain pension group members. Benefits are the amount lost due to the insolvency, up to a maximum of \$500,000 for an individual, or \$5,000,000 for a group annuity.
- ! The Insurance Commissioner is given broad supervisory powers of the association.

SB 6022: CHANGING FROM FIVE YEARS TO FIFTEEN YEARS THE TIME THAT CERTAIN AMOUNTS ARE AWARDED TO OWNERS AND BREEDERS.

Prime Sponsor: Senator West

(HB 2040 Representative Cody)

- ! This bill extends from 5 to 15 years the time period that owners and breeders of Washington bred horses are required to pay a percentage of award/bonus moneys to Emerald Downs. These award/bonus dollars are used to help defray the capital construction costs of building the track.

SHB 1027: ESTABLISHING THE LIVE HORSE RACING COMPACT.

Prime Sponsor: Representative Cairnes

(SB 5155 Senator West)

- ! The Washington Horse Racing Commission (WHRC) is authorized to participate in a national compact committee that will create and issue a national license to participants in live horse racing. The Governor appoints a representative to serve on the national licensing compact committee.
- ! The committee will establish the requirements for a national license. The WHRC may charge a fee for the use of a national license in Washington. The committee retains the right to suspend or revoke a national license. The WHRC agrees to accept the decisions of the compact committee regarding license issuance and renewal.

HB 1036: INVESTIGATING ALIEN BANKS.

Prime Sponsor: Representative Benson

(SB 5067 Senator Prentice)

- ! The requirement that the director of the Department of Financial Institutions examine alien banks every 12 months is changed to 18 months.

EHB 1099: OUTLINING REQUIREMENTS FOR THE OPERATION OF A PACE PROGRAM IN WASHINGTON STATE.

Prime Sponsor: Representative Santos

(SSB 5235 Senator Prentice)

- ! The Program of All-inclusive Care for the Elderly (PACE) is a Medicare/Medicaid program, extensively regulated by the federal government, enabling frail, elderly people to obtain a continuum of care while remaining in their homes.
- ! PACE programs must meet certain regulatory requirements, but are exempt from state laws regulating insurance companies.

SHB 1133: DETERMINING LIABILITY FOR DONATED LABOR ON COMMUNITY PROJECTS.

Prime Sponsor: Representative Carrell

- ! Public entities seeking partnerships on community improvement projects with volunteer groups and businesses must: (1) pay industrial insurance premiums to provide medical aid benefits to volunteers donating labor; (2) provide prospective donors and participants with written notice of the risks and responsibilities to be assumed by the parties; and (3) require volunteers, before beginning work, to document that they received the notice and are donating labor by their free choice.
- ! A contractor or employer donating equipment or materials for the project is not considered the employer, for industrial insurance purposes, of a person donating labor to the project unless the contractor or employer pays the person wages or makes working on the project a condition of employment.

HB 1138: DEPOSITING WAGE FINES IN THE PUBLIC WORKS ADMINISTRATION ACCOUNT.

Prime Sponsor: Representative Cairnes

(SB 5926 Senator Costa)

- ! Under current law: (1) the Department of Labor and Industries administers and enforces the state prevailing wage law, charging contractors and subcontractors fees for administrative purposes, and assessing civil penalties against contractors and subcontractors for violations of the law; (2) all prevailing wage related fees are deposited in the public works administration account, which may be used only to administer the state prevailing wage law, while all civil penalties are deposited in the general fund.
- ! Civil penalties for prevailing wage law violations will now be deposited in the public works administration account, rather than the general fund.

HB 1160: PROVIDING FOR TEMPORARY REAL ESTATE APPRAISER PRACTICE PERMITS.

Prime Sponsor: Representative Hunt

(SB 5356 Senator Prentice)

- ! Deletes the required license expiration date of 90 days for out-of-state temporary real estate appraisers and authorizes the director of the Department of Licensing to adopt rules governing the term or duration of temporary licensing and certification privileges.
- ! An applicant may receive an extension of a temporary practice permit to complete an assignment if the department receives a written request stating the reason for the extension before the permit's expiration date.
- ! A temporary practice permit allows an appraiser to perform independent appraisal services required by a contract for appraisal services.

HB 1205: LICENSING AND REGULATION OF CONSUMER LOAN COMPANIES.

Prime Sponsor: Representative Keiser

(SB 5066 Senator Prentice)

- ! Regulatory powers with respect to consumer loan companies are strengthened and clarified.
- ! Bond requirements for real estate loans are established.
- ! The consumer loan company act is made comparable to the Mortgage Brokers Practices Act.

HB 1211: CREATING THE FINANCIAL SERVICES REGULATION FUND.

Prime Sponsor: Representative Benson

(SB 5035 Senator Prentice)

- ! Two of the three regulatory funds maintained by the Department of Financial Institutions (DFI) are abolished and their assets and revenue streams are transferred to the bank examination fund.

- ! The bank examination fund is renamed the "financial services regulation fund." All examinations conducted by DFI are financed from that fund.
- ! Cross-divisional teams (e.g., securities examiners and bank examiners) will be trained with resources from that fund.

SHB 1234: REVISING APPRENTICESHIP LAW TO RESPOND TO A 1999 UNITED STATES DEPARTMENT OF LABOR AUDIT.

Prime Sponsors: Representatives Clements and Conway (SB 5276 Senator Prentice)

- ! The Apprenticeship Council must establish apprenticeship standards by rule and approve apprenticeship programs. Individual program standards must conform to the rules adopted by the Council.
- ! Apprenticeship programs must be sponsored by either a joint labor/management apprenticeship committee or a unilateral apprenticeship committee. Apprenticeship committees must conform to state and federal requirements.
- ! Language regarding minority and women participation in apprenticeship programs is simplified. Apprenticeship programs with five or more apprentices must conform to federal law regarding equal employment opportunity in apprenticeship, while advancing the nondiscriminatory principles of the Washington State Civil Rights Act (Initiative 200 of 1998).

HB 1296: RESTRICTING THE INVESTMENT OF INSURERS IN DEPOSITORY INSTITUTIONS OR ANY COMPANY WHICH CONTROLS A DEPOSITORY INSTITUTION.

Prime Sponsor: Representative Hatfield (SB 5396 Senator Prentice)

- ! Insurers are prohibited from investing more than 5 percent of their assets in the voting securities of a depository institution without consent from the Insurance Commissioner.
- ! This bill brings the state into conformity with a provision of federal law (the Gramm-Leach-Bliley Act).

EHB 1347: CREATING THE STRUCTURED SETTLEMENT PROTECTION ACT.

Prime Sponsor: Representative Benson

- ! The sale of rights to receive future payments under the structured settlement of a lawsuit is regulated.
- ! The purchaser of rights to receive future payments under a structured settlement is required to obtain a court order, following notice and hearing, that approves the transfer.
- ! Courts are given guidance regarding the approval of transfers of rights to future payments under a structured settlement, including a finding that the interests of beneficiaries and dependents of the seller have been addressed.

HB 1366: REGULATING CREDIT UNIONS.

Prime Sponsor: Representative Hatfield (SB 5068 Senator Prentice)

- ! The Washington Credit Union Act is substantially revised in order to expand and clarify the regulatory authority of the state, redefine organizational structure and powers of credit unions, and clarify many existing provisions in the act.
- ! Several provisions bring credit unions into parity with other financial institutions, in keeping with financial services modernization recently enacted by Congress.

HB 1369: MAKING TECHNICAL CORRECTIONS TO CHAPTER 19.28 RCW, ELECTRICIANS AND ELECTRICAL INSTALLATIONS.

Prime Sponsor: Representative Esser

(SB 5308 Senator Constantine)

! Twenty-one sections of chapter RCW 19.28 are amended to correct references since the chapter was reorganized.

! Reference to a provision that was vetoed by the Governor in 1997 is also removed.

ESHB 1420: PROHIBITING DISCRIMINATION AGAINST VOLUNTEER FIRE FIGHTERS.

Prime Sponsor: Representative Hurst

! Employers may not discharge or discipline a volunteer fire fighter because of leave taken related to an alarm of fire or an emergency call if the volunteer fire fighter was not at his or her place of employment when called to serve as a volunteer, and was ordered to remain at his or her position by the commanding authority at the scene.

! A volunteer fire fighter who is discharged or disciplined because of such leave may file a complaint with the director of the Department of Labor & Industries. If the director makes a finding in the volunteer fire fighter's favor and the employer fails to reinstate the employee or withdraw the disciplinary action, the volunteer fire fighter may bring an action against the employer in superior court seeking reinstatement or withdrawal of the disciplinary action.

! The bill limits the action a volunteer fire fighter may take in response to discipline.

HB 1422: INCREASING THE SIZE OF THE STATE INVESTMENT BOARD.

Prime Sponsor: Representative Benson

(SB 5526 Senator Prentice)

! Two members are added to the Washington State Investment Board: a representative of local government, appointed by the Governor, and an active member of the School Employees' Retirement System, appointed by the Superintendent of Public Instruction.

! The quorum required for action by the Board is increased from five members to six members.

2SHB 1445: RETAINING THE LINKED DEPOSIT PROGRAM.

Prime Sponsor: Representatives Kessler and Lambert

(SB 5456 Senator T. Sheldon)

! The current sunset provisions pertaining to the linked deposit program are repealed.

! The sunset date for the linked deposit program is extended from June 30, 2001, to June 30, 2004.

! Qualifying loans under the linked deposit program are those made to "socially and economically disadvantaged business enterprises."

SHB 1501: AUTHORIZING THE ELECTRONIC FILING OF CORPORATION AND LIMITED LIABILITY COMPANY ANNUAL REPORTS.

Prime Sponsor: Representative Conway

(SSB 5590 Senator Prentice)

! Corporate reports required by statute are permitted to be filed with the Secretary of State's Office by electronic means, and must identify the person executing the electronic filing.

SHB 1537: PROTECTING CREDIT UNION DIRECTORS AND COMMITTEE MEMBERS.

Prime Sponsor: Representative Roach

(SSB 5570 Senator Prentice)

! Credit union directors and supervisory committee members are not liable for harm caused by acts or omissions if the following conditions are met: (1) he or she was acting within the scope of his or her duties; (2) the actions

were within the standard of care established by statute for directors and board officers; (3) the harm was not the result of wilful or criminal conduct, gross negligence, or reckless conduct; and (4) the harm was not caused by the operation of a vehicle, for which a license is required for its operation.

! Liability for harm caused by employees acting within the scope of their employment is not affected.

HB 1547: LICENSING INSURANCE AGENTS, BROKERS, SOLICITORS, AND ADJUSTERS.

Prime Sponsor: Representative Simpson

(SB 5654 Senator Prentice)

- ! Requirements for the licensing of nonresidents are changed to more closely conform to federal law (the Gramm-Leach-Bliley Act).
- ! The Insurance Commissioner may license nonresident agents and brokers: (1) if their state or province has a reciprocal law allowing the licensing of qualified Washington agents and brokers; and (2) if the agent or broker holds a license issued by his or her state or province.
- ! Residents of other states who wish to be licensed as agents, brokers, solicitors, or adjusters may apply to the commissioner on a form prepared by the National Association of Insurance Commissioners or other forms approved by the commissioner.

HB 1564: REENACTING PROVISIONS RELATING TO OBSTRUCTING GOVERNMENTAL OPERATIONS.

Prime Sponsor: Representative Casada

- ! Following a ruling last year declaring a 1995 enactment unconstitutional, there are several provisions of the criminal code that need reenactment. The bill reenacts code provisions relating to obstructing governmental operations: making false or misleading statements to public servants and obstructing a law enforcement officer.

HB 1578: REENACTING PROVISIONS RELATING TO CRIMINAL PROFITEERING.

Prime Sponsor: Representative Carrell

- ! Following a ruling last year declaring a 1995 enactment unconstitutional, there are several provisions of the criminal code that need reenactment. The bill reenacts code provisions relating to criminal profiteering.

HB 1579: REENACTING PROVISIONS RELATING TO THE WRONGFUL PRACTICE OF LAW.

Prime Sponsor: Representative Carrell

- ! Following a ruling last year declaring a 1995 enactment unconstitutional, there are several provisions of the criminal code that need reenactment. The bill reenacts code provisions relating to the wrongful practice of law: the unlawful practice of law, and barratry or false suit with intent to distress or harass a defendant.

2SHB 1590: SUPPORTING THE PRACTICE OF BREASTFEEDING.

Prime Sponsor: Representative Cody

(SB 5809 Senator Costa)

- ! Breastfeeding is not indecent exposure.
- ! An employer may use an "infant-friendly" designation in its promotional materials if it has a workplace breastfeeding policy approved by the Department of Health. The policy must address: (1) flexible work scheduling; (2) private locations other than a restroom for breastfeeding or expressing breast milk; (3) a water source for washing hands and equipment; and (4) a refrigerator for storing breast milk.

HB 1614: REENACTING PROVISIONS RELATING TO THE CRIME OF COMMERCIAL BRIBERY.

Prime Sponsor: Representative Lovick

- ! Following a ruling last year declaring a 1995 enactment unconstitutional, there are several provisions of the criminal code that need reenactment. The bill reenacts code provisions relating to commercial bribery. The employee grafting statute is repealed again.

HB 1634: PRIORITIZING AND ORDERING THE DISTRIBUTION OF CLAIMS OF AN INSURER'S ESTATE.

Prime Sponsor: Representative Santos

(SB 5653 Senator Prentice)

- ! When an insurance company becomes insolvent, the order in which claims are paid to creditors and others is determined in statute.
- ! The federal government is given a high priority in claims against insolvent insurers, as required by a U.S. Supreme Court case.

SHB 1661: REGULATING JUVENILE LIFE INSURANCE.

Prime Sponsor: Representative Keiser

(SSB 5106 Senator Prentice)

- ! News stories have indicated that some children were murdered in order to obtain insurance payments.
- ! Life insurance companies are required to develop and implement underwriting standards designed to discover and prevent the fraudulent, speculative purchase of juvenile life insurance policies.
- ! Insurance companies are required to retain the records of rejected applications for juvenile life insurance for ten years.

HB 1692: REENACTING PROVISIONS RELATING TO THE CRIME OF PERJURY.

Prime Sponsor: Representative Boldt

- ! Following a ruling last year declaring a 1995 enactment unconstitutional, there are several provisions of the criminal code that need reenactment. The bill reenacts code provisions relating to the crime of perjury in the second degree.

HB 1694: REENACTING PROVISIONS RELATING TO THE CRIME OF UNLICENSED PRACTICE OF A PROFESSION OR BUSINESS.

Prime Sponsor: Representative Boldt

- ! Following a ruling last year declaring a 1995 enactment unconstitutional, there are several provisions of the criminal code that need reenactment. The bill reenacts code provisions relating to practicing a profession or business without a license.

HB 1727: REGULATING THE INVESTMENT LIMITS OF INSURERS IN NONINSURANCE SUBSIDIARIES.

Prime Sponsor: Representative Roach

(SB 5605 Senator Prentice)

- ! In order to comply with national standards, Washington state prohibits insurance companies from excessive investments in their own subsidiaries. Permissible investment amounts are determined by formula.

HB 1729: LICENSING SURPLUS LINE BROKERS.

Prime Sponsor: Representative Benson

(SB 5623 Senator Prentice)

- ! In order to encourage reciprocity, the Insurance Commissioner is authorized to license non-resident surplus line brokers, provided they meet all other statutory requirement for licensure.

SHB 1763: PROTECTING THE CONFIDENTIALITY OF INFORMATION RELATING TO INSURANCE.

Prime Sponsor: Representative McIntire

(SSB 5776 Senator Prentice)

- ! Confidential and/or privileged information the Insurance Commissioner receives from specified sources is exempt from public disclosure if the information is protected from public disclosure by the source providing the information.
- ! The sources of information to which this exemption applies are: (1) the National Association of Insurance Commissioners; (2) regulatory or law enforcement officials of other states and nations, the federal government, and international authorities; and (3) agencies in this state.

SHB 1792: CREATING THE HOLDING COMPANY ACT FOR HEALTH CARE SERVICE CONTRACTORS AND HEALTH MAINTENANCE ORGANIZATIONS.

Prime Sponsor: Representative Benson

(SSB 5793 Senator Thibaudeau)

- ! A holding company act is established for health care service contractors (HCSCs) and health maintenance organizations (HMOs). Provisions for the acquisition of health carriers are established.
- ! Every holding company system must have a current registration statement with the Insurance Commissioner.
- ! The Insurance Commissioner regulates transactions within the holding company system.

HB 1855: ALLOWING PRIVATE CLUBS TO SERVE LIQUOR AT SPECIAL EVENTS.

Prime Sponsor: Representative Hunt

(SB 5527 Senator Snyder)

- ! A private club that restricts membership through selected criteria may obtain an endorsement for up to 40 nonclub member sponsored events using club liquor. Visitors and guests may attend the events only by invitation of the sponsoring members. The general public may not attend these events. The endorsement costs \$900 annually. At the request of the Liquor Control Board the club must provide (at least 72 hours before the event) notice of the date, time, and location of the event; the event sponsor; and a brief description of the purpose.

SHB 1915: MODIFYING WINE AND CIDER PROVISIONS.

Prime Sponsor: Representative Cairnes

(SSB 5792 Senator Prentice)

- ! A tax on wine is continued indefinitely, with the revenue going to support the work of the Washington Wine Commission.

SHB 1950: DESCRIBING WORKER RIGHTS UNDER INDUSTRIAL INSURANCE.

Prime Sponsor: Representative Conway

(SB 5917 Senator Prentice)

- ! Workers compensation application forms and the Department of Labor and Industries' notification of worker rights must state that the worker has a right to receive health services from a physician of his or her choice, including chiropractic services and must list the different types of providers authorized to treat workers compensation claimants.

! Dates are specified for the requisite development and introduction of new forms.

HB 1951: ALLOWING RESTAURANTS AND PRIVATE CLUBS TO SELL WINE FOR OFF-PREMISES CONSUMPTION.

Prime Sponsor: Representative Clements

(SSB 5813 Senator Honeyford)

! For an annual fee, an endorsement permitting the holder of a liquor license to sell specially labeled Washington wine for off-premises consumption is available to holders of three types of liquor licenses: (1) a restaurant spirits, beer, and wine license; (2) a private club spirits, beer, and wine license; and (3) a sports/entertainment facility beer, wine and spirits license.

! Bottled wines sold under the endorsement must bear a label exclusive to the license holder.

HB 1983: MODIFYING "DEBT COLLECTOR" SO THE TERM EXCLUDES AFFILIATES OF CREDITORS THAT SERVICE CREDITOR'S ACCOUNTS.

Prime Sponsor: Representative Benson

! Collection agencies are licensed and their activities are regulated by state and federal law. However, not every business entity that sometimes collects debts is a "collection agency" requiring federal and state oversight.

! Corporate affiliates of collection agencies, and out-of-state collection agencies, are not considered to be "collection agencies" for purposes of state law.

HB 2095: CHANGING REPORTING REQUIREMENTS FOR ARCHITECTURAL AND ENGINEERING FIRMS.

Prime Sponsor: Representative Dunshee

! State and local government agencies must encourage architectural and engineering firms to submit statements of qualifications and performance data at least once every two years, instead of once a year.

ESHB 2172: MODIFYING PROVISIONS ON THE REPAIR AND MAINTENANCE OF BACKFLOW PREVENTION ASSEMBLIES.

Prime Sponsor: Representative Grant

! A specialty plumbing certificate of competency for backflow prevention assembly maintenance is created.

! The time is modified when local building officials may require an owner of a residential dwelling to test a backflow prevention assembly on the owner's property.

HJR 4202: INVESTING STATE INVESTMENT BOARD FUNDS.

Prime Sponsor: Representative H. Sommers

(ESJR 8209 Senator Snyder)

! A proposed Washington State Constitutional amendment is submitted to the voters at the next general election, to broaden the State Investment Boards's authority, by allowing it to invest in equities for any of the funds or accounts under its management.

NATURAL RESOURCES, PARKS & SHORELINES

786-7419

SB 5022: MODIFYING THE SALMON RECOVERY FUNDING BOARD'S REPORTING OF FINANCIAL AFFAIRS.

Prime Sponsor: Senator Jacobsen

- ! Members of the Salmon Recovery Funding Board must file personal financial disclosure statements with the Public Disclosure Commission.

SB 5306: RECODIFYING RCW 77.16.220.

Prime Sponsor: Senator Constantine

(HB 1368 Representative Esser)

Provisions of SB 5306 are incorporated into SSB 5961.

SSB 5438: GIVING THE FISH AND WILDLIFE COMMISSION RULE-MAKING AUTHORITY OVER THE FISH AND WILDLIFE VEHICLE USE PERMIT PROGRAM.

Prime Sponsor: Senator Jacobsen

- ! The Department of Fish and Wildlife will develop a vehicle use permit allowing access to facilities such as parking areas and boat ramps. One permit will be free with the purchase of a license and may be used on two different vehicles. Additional permits will be \$5.
- ! The penalty for failing to display the permit is \$60, but will be reduced to \$30 if the vehicle owner provides proof to the court that a permit has been purchased within 15 days after the violation.

SB 5440: RAISING THE NUMBER OF THE GOVERNOR'S APPOINTEES TO THE FISH AND WILDLIFE COMMISSION FROM TWO TO THREE.

Prime Sponsor: Senator Jacobsen

- ! The Governor must appoint three members to the Fish and Wildlife Commission in January of each odd-numbered year.

SSB 5442: ALLOWING THE USE OF CERTAIN SALMON FISHING GEAR WITH AN EXPERIMENTAL FISHERY PERMIT.

Prime Sponsor: Senator Snyder

(HB 1306 Representatives Sump and Doumit)

- ! The director of the Department of Fish and Wildlife may issue a trial or experimental fishery permit for pound nets, round haul nets, lampara nets, fish traps, fish wheels, scow fish wheels, set nets, weirs, or other fixed appliances for catching salmon or steelhead in order to assist salmon recovery.
- ! The director must consult with the commercial fishing interests that would be affected by the trial fishery permit.
- ! The director shall include information on mass marking and supplementation programs, selective gear, mortality of non-target stocks, and experimental operation of hatcheries in a report on emerging commercial fisheries.

SSB 5443: CHANGING REQUIRED RENEWAL DATES IN ORDER TO VALIDLY RENEW CERTAIN COMMERCIAL FISHING LICENSES.

Prime Sponsor: Senator Spanel

- ! Commercial fishers have until the third Monday in September to renew their license, which is an extension of approximately six weeks from current law.
- ! Commercial salmon fishers over the age of 75, that have fished for more than 30 years in areas other than Puget Sound, are eligible to renew their license for \$100.
- ! A surviving spouse, estate, or estate beneficiary is given a reasonable opportunity to renew a commercial fishery license if the deadline was missed.

ESB 5495: MODIFYING THE APPOINTMENT PROCESS FOR MEMBERS OF THE COMMUNITY OUTDOOR ATHLETIC FIELDS ADVISORY COUNCIL.

Prime Sponsor: Senator Jacobsen

- ! The Community Outdoor Athletic Fields Advisory Council will advise the Interagency Committee for Outdoor Recreation yearly on funding and facilities for community athletic fields.
- ! The director of the Interagency Committee for Outdoor Recreation may appoint advisory members in the legislative appointment positions if a vacancy exists for more than 90 days.

SB 5531: RESTRICTING SHRIMP POT AND COMMERCIAL FISHERY LICENSES.

Prime Sponsor: Senator Spanel

(HB1756 Representatives Buck and Sump)

- ! The shrimp pot and shrimp trawl fishery licenses are limited entry licenses, which may be inherited. Beginning January 1, 2002, they are made transferable.
- ! License designation to an alternate operator for medical reasons is allowed.
- ! Vessels may have a maximum of two of the following licenses: Puget Sound Dungeness Crab, Puget Sound Shrimp Pot, Sea Cucumber Dive, and Sea Urchin Dive.

SSB 5637: CREATING A PROGRAM OF WATERSHED HEALTH MONITORING AND ASSESSMENTS.

Prime Sponsor: Senator Jacobsen

- ! A monitoring oversight committee is established to play an advisory role in coordination of monitoring of watersheds for salmon restoration and watershed health.
- ! The monitoring oversight committee shall include representatives of public agencies directly dealing with watershed health and salmon restoration.
- ! An interim progress report is due from the monitoring oversight committee on March 1, 2002.

SSB 5862: STREAMLINING THE PROCESS OF SELLING VALUABLE MATERIALS FROM STATE LANDS.

Prime Sponsor: Senator T. Sheldon

(HB 1847 Representative

Pennington)

- ! The statutes authorizing the Department of Natural Resources (DNR) to sell valuable materials such as rock, fallen timber and non-timber forest products is updated giving DNR more flexibility in appraising materials, advertising, marketing, and the conduct of sales.

SB 5863: ALLOWING THE DEPARTMENT OF NATURAL RESOURCES TO EXCHANGE CERTAIN BEDLANDS TO OBTAIN CLEAR TITLE TO CERTAIN PROPERTY ON THE COWLITZ RIVER.

Prime Sponsor: Senator Snyder

(HB 1844 Representative Doumit)

- ! The Department of Natural Resources is authorized to exchange bedlands and enter into boundary agreements to resolve disputes over the location and ownership of state and private lands in and abutting the Cowlitz River.

SSB 5961: MODIFYING PROVISIONS CONCERNING FISHERIES AND WILDLIFE ISSUES.

Prime Sponsor: Senator Jacobsen

- ! Technical changes are made to the fish and wildlife statutes.

The following provision of SB5306 is incorporated into SSB 5961.

- ! Existing law relating to fish passage is moved from one statute to another.

SSB 6110: PROVIDING FOR THE ADMINISTRATION OF A PUGET SOUND CRAB POT BUOY TAG PROGRAM.

Prime Sponsor: Senator Spanel

- ! In order to better manage the Puget Sound commercial crab fishing program, the Department of Fish and Wildlife may charge a fee to members of the industry to reimburse the department for the cost of production of crab pot buoy tags and the administration of the program.

SJM 8006: REQUESTING FISH PASSAGE MODIFICATIONS BE MADE TO THE LEAVENWORTH NATIONAL FISH HATCHERY.

Prime Sponsor: Senator Jacobsen

- ! The United States Fish and Wildlife Service is requested to modify the hatchery water withdrawal structures of the Leavenworth National Fish Hatchery in order to make them more fish friendly.
- ! Congress is asked to provide sufficient funding for the project.

SHB 1019: MODIFYING THE COMPOSITION OF THE FISH AND WILDLIFE COMMISSION.

Prime Sponsor: Representative Pennington

(Veto Message: Vetoed in its entirety 4/13/01)

- ! Wildlife Commissioners shall be appointed by the Governor such that each of six commissioners shall reside in and represent each of the six wildlife administrative regions in the state.
- ! This geographic balance can be achieved as commissioners' terms expire and vacancies occur.
- ! The three "at large" commission seats are not changed.

HB 1035: EXTENDING A PROGRAM OF STEELHEAD RECOVERY IN CERTAIN COUNTIES.

Prime Sponsor: Representative Pennington

- ! The authorization for the Lower Columbia River Steelhead Recovery Board is extended to July 21, 2006.

HB 1071: ADJUSTING DEADLINES FOR SALMON RECOVERY GRANT APPLICATIONS.

Prime Sponsor: Representative Doumit

(SB 5246 Senator Jacobsen)

- ! The Salmon Recovery Funding Board shall establish its own funding cycle which shall be once a year at minimum.

SHB 1163: CHANGING PROVISIONS RELATING TO DISPOSAL OF GARBAGE AND JUNK VEHICLES.

Prime Sponsor: Representative Eickmeyer

- ! The penalties for dumping garbage and for dumping vehicles are made the same for both incorporated and unincorporated areas of a county.

ESHB 1286: PROVIDING HATCHERY ORIGIN SALMON EGGS IN ORDER TO REPLENISH FISH RUNS.

Prime Sponsor: Representative Lisk

- ! The Department of Fish and Wildlife is prohibited from destroying hatchery origin salmon eggs that could be used for propagation purposes.
- ! Surplus salmon eggs are provided to the following entities in descending priority: voluntary cooperative salmon culture programs, regional fisheries enhancement groups, salmon culture programs requested by lead entities, tribal fish hatcheries, and other governmental hatcheries in the northwest region.
- ! The Fish and Wildlife Commission shall develop rules for broodstock handling, outplanting of adult fish, disposition of eggs and juvenile fish.

SHB 1498: REQUIRING HOLDERS OF FISH AND WILDLIFE LICENSES PURCHASED OVER THE INTERNET OR TELEPHONE TO PROVIDE ENFORCEMENT OFFICERS WITH PHOTO IDENTIFICATION.

Prime Sponsor: Representative Jackley

(SB 5437 Senator Oke)

- ! Fish and wildlife enforcement officers may request internet or telephone fishing or hunting license purchasers over the age of 18 to produce photo identification during field checks.

2SHB 1499: REGULATING MARINE FIN FISH AQUACULTURE.

Prime Sponsor: Representative Jackley

(SB 5567 Senators Jacobsen, Oke)

- ! The director of the Department of Fish and Wildlife must develop proposed rules for the administration, implementation, and enforcement of marine fin fish aquaculture programs using a negotiated rule making process in cooperation with the industry.
- ! The rules must be presented to the Legislature by January 2002 for review.

ESHB 1655: APPOINTING A FISH AND WILDLIFE ADVISORY COMMITTEE COMPOSED OF DISABLED PERSONS.

Prime Sponsor: Representative Sump

- ! A disabled person advisory committee is established to advise the Fish and Wildlife Commission on issues such as: special hunts, modified sporting equipment, access to public land, and additional fishing or hunting opportunities.

E2SHB 1658: ESTABLISHING A PILOT PROJECT CULTURING SHELLFISH ON NONPRODUCTIVE OYSTER RESERVE LAND.

Prime Sponsor: Representative Buck

(SB 5837 Senator T. Sheldon)

- ! A minimum of three long-term leases of Puget Sound oyster reserve lands shall be completed with shellfish growers in Puget Sound.
- ! Revenues from the leases and sale of shellfish from the reserves are placed in the oyster reserve land account for the purposes of management of oyster reserves, aquatic nuisance control, deposition in the general fund, and the on-site sewage grant program which is created.
- ! An advisory committee is established for the Puget Sound and Willapa Bay oyster reserve program.

SHB 1821: CONCERNING COASTAL DUNGENESS CRAB RESOURCE PLAN PROVISIONS.

Prime Sponsor: Representative Buck

(SB 5850 Senator Snyder)

! The Department of Fish and Wildlife may consider extenuating circumstances in setting coastal crab pot quotas.

! Provisions are made to adjust crab pot quotas for a vessel that sank during the qualifying period.

2SHB 1835: CREATING A FOREST PRODUCTS COMMISSION.

Prime Sponsor: Representative Doumit

(SB 5880 Senator Jacobsen)

! A commission is authorized for the purpose of promoting Washington forest products, assisting with forest product related research, and with marketing and advertising.

! The creation of the commission requires a positive vote by the industry.

! Membership requirements, voting procedure, organizational authority, and assessment authority are established.

SHB 1836: CREATING A LEGISLATIVE TASK FORCE ON LOCAL PARK AND RECREATION MAINTENANCE AND OPERATIONS.

Prime Sponsor: Representative Edwards

(SB 5884 Senator Jacobsen)

! A legislative task force is created to study local park operation and maintenance funding and related issues and to report back to the Legislature with recommendations before expiring on June 30, 2002.

EHB 1846: ALLOWING THE DEPARTMENT OF NATURAL RESOURCES TO SELL OR EXCHANGE ITS LIGHT INDUSTRIAL PROPERTY IN THURSTON COUNTY.

Prime Sponsor: Representative Alexander

(SB 5861 Senator Fraser)

! The Department of Natural Resources may sell or exchange its administrative site in Lacey after review and approval of the Office of Financial Management. The Capital Committee and the Legislature will also review the sale, plans for new facilities, and funding required for the new facility.

EHB 1936: ALLOWING THE RESIDENTIAL OWNER OF LAND THAT ABUTS STATE-OWNED SHORELAND TO ANCHOR THEIR BOATS TO ADJACENT BUOYS.

Prime Sponsor: Representative Quall

! Private waterfront property owners may place, for the use of the property owners, one buoy for each one hundred feet of property owned without having to pay any rental fee to the Department of Natural Resources.

ESHB 1996: PROTECTING CERTAIN DATA OBTAINED BY THE DEPARTMENT OF FISH AND WILDLIFE.

Prime Sponsor: Representative Lambert

! Personal data, commercial fishing data, and sensitive wildlife data are exempt from public disclosure requests.

! Personal information of recreational and commercial fishers, except for name, address, type of license, and tag, is exempt from public disclosure requests.

SHB 2105: MODIFYING PROVISIONS RELATED TO SMALL FOREST LANDOWNERS.

Prime Sponsor: Representative Sump

- ! The small forest landowner office of the Department of Natural Resources may contract with private consultants to lay out streamside buffers for small landowners, and may determine the compensation to be offered to the landowner.
- ! The compensation amount shall include compliance costs including costs of document preparation and excise tax due or business and occupation tax due as a result of the riparian easement program.

EHCR 4410: CREATING A JOINT SELECT LEGISLATIVE TASK FORCE TO EVALUATE THE STATE'S AUTHORITY UNDER THE FOREST RESOURCES CONSERVATION AND SHORTAGE RELIEF ACT.

Prime Sponsor: Representative Sump

- ! A joint select legislative task force is created to evaluate and make recommendations regarding the state's authority to prohibit the substitution of state timber for private timber that is exported.
- ! The task force will consist of four senators and four representatives and will be assisted by an advisory committee.
- ! The task force will report to the Legislature by January 1, 2002.

STATE & LOCAL GOVERNMENT

786-7432

SB 5057: SPECIFYING HOW CODE CITIES MAY CHANGE THE PLAN OF GOVERNMENT.

Prime Sponsor: Senator Gardner

- ! When a non-charter code city changes its form of government, all the elected city officials serve out the remainders of their terms of office. Current law requires all of them to run for the new offices of the new form of government at the next election.

ESSB 5060: REVISING ALTERNATIVE PUBLIC WORKS CONTRACTING PROCEDURES.

Prime Sponsor: Senator Winsley

(HB 1155 Representative

Schmidt)

- ! The authority to use alternative public works contracting procedures is extended for six years until July 1, 2007. These alternative procedures may be used for public works projects over \$12 million. The Temporary Oversight Committee is abolished. Criteria are provided for a general contractor/construction manager to determine the eligibility of subcontractors performing work on a project.
- ! The following additional entities are authorized to use the alternative public works procedures: The cities of Vancouver, Bellevue, Everett, Federal Way, and Kent; the ports of Longview, Vancouver, Everett, and Bellingham; the PUDs of Snohomish County, Clark County, Cowlitz County, Grant County, Benton County, Chelan County, Clallam County, Douglas County, Grays Harbor County, and Mason County #3; and any public authority chartered by a city.

SB 5061: AWARDING CONTRACTS FOR BUILDING ENGINEERING SYSTEMS.

Prime Sponsor: Senator Winsley

(HB 1152 Representative

Schmidt)

- ! A state agency or local government may award contracts of any value for the design, fabrication, and installation of building engineering systems.
- ! "Building engineering systems" means those systems where contracts for the systems customarily have been awarded with the requirement that the contractor provide final approved specifications (e.g., fire alarm systems, building sprinkler systems).

SB 5063: AUTHORIZING A LIMITED PUBLIC WORKS PROCESS.

Prime Sponsor: Senator Patterson

(HB 1154 Representative

Schmidt)

- ! A limited public works process for state agencies and most local governments is established. The process only applies to contracts of \$35,000 or less.

- ! Bids must be solicited from at least three contractors and may be awarded to the lowest responsible bidder even if only one contractor submits a bid. The state agency or local government may waive bonding and retainage requirements.

SSB 5077: MODIFYING THE PROVISIONAL EMPLOYMENT OF SHERIFF'S EMPLOYEES.

Prime Sponsor: Senator Haugen

- ! If the civil service commission for county deputy sheriffs and other employees of the office of county sheriff continue to advertise and test for a position, the authority that made a temporary appointment may extend the appointment beyond its four month expiration up to one year.
- ! If no list of three prospective candidates for the position can be assembled by one year after the initial temporary appointment was made, then the position may be filled from a list of less than three prospective candidates.

ESSB 5238: MODIFYING THE BOARD OF COMMISSIONERS OF A WATER-SEWER DISTRICT.

Prime Sponsor: Senator Patterson

(HB 1075 Representative

Miloscia)

- ! Water-sewer districts with more than 25,000 customers are authorized to increase their board membership from five members to seven members.
- ! Water-sewer districts are also authorized to decrease the number of commissioners either from seven to five or five to three.

SB 5256: ENACTING THE EMERGENCY MANAGEMENT ASSISTANCE COMPACT.

Prime Sponsor: Senator Kastama

- ! Washington State becomes a member of the Emergency Assistance Compact, of which 38 states are currently members.
- ! The compact provides for the responsibilities and liabilities of each member of the compact.

SB 5273: REVISING ELECTION FILING DATES.

Prime Sponsor: Senator Gardner

- ! Moves back two weeks the period in which a special three day filing period may be opened if a vacancy in an office or a void in candidacy occurs.
- ! The deadline is moved back three weeks for when a party's replacement for a vacancy in a candidacy caused by death or disqualification will be printed on the election or primary ballot.

SB 5275: CLARIFYING PROCEDURES FOR ABSENTEE VOTING AND MAIL BALLOTS.

Prime Sponsor: Senator Gardner

- ! Sections of law regarding absentee ballots are separated from the sections of law regarding mail ballot elections so as to clarify the statutes. Language is updated and processes are streamlined.

SSB 5319: CHANGING PROVISIONS RELATING TO THE MUNICIPAL RESEARCH COUNCIL.

Prime Sponsor: Senator Haugen

- ! The composition of the Municipal Research Council is decreased from 23 to 14 members: legislative membership consists of four members, one from each major caucus in both houses; city membership consists of six city or town officials; and county membership consists of three county officials (one representing county officials and two representing county commissioners).

! The director of Community, Trade, and Economic Development is added to the Council.

SB 5401: ELIMINATING BOARDS AND COMMISSIONS

*Prime Sponsor: Senator Patterson
Miloscia)*

(HB 1355 Representative

! Eighteen state boards, commissions, and committees are either repealed or abolished.

SSB 5638: MAKING TECHNICAL CORRECTIONS TO COUNTY TREASURER STATUTES.

Prime Sponsor: Senator Gardner

! Delinquent county road taxes, at the time of annexation by a code city, are paid to the county road fund when they are collected. The county treasurer collects deferred taxes from the senior citizen deferral program if the state Department of Revenue is unable to collect them. Both deposit collections directly into the state general fund. The county is given 12 months after foreclosure to negotiate a sale of real property.

! Other matters are clarified and made consistent.

SB 6109: REPORTING ELECTION INDEPENDENT EXPENDITURES AND CONTRIBUTIONS.

*Prime Sponsor: Senator Patterson
McDermott)*

(HB 1354 Representative

! Along with the current date specific filing, the sponsor of an independent expenditure is required to file a report with the Public Disclosure Commission within 24 hours of making the independent expenditure.

! The minimum to file a report of independent expenditures is raised from \$550 to \$1,000.

HB 1002: LIMITING THE PUBLIC INSPECTION AND COPYING OF RESIDENTIAL ADDRESSES OR RESIDENTIAL PHONE NUMBERS OF PUBLIC EMPLOYEES OR VOLUNTEERS OF PUBLIC AGENCIES.

Prime Sponsor: Representative Ruderman

! The residential address or phone number of a public employee or volunteer contained in any employment records may not be disclosed by any public agency.

HB 1028: REVISING THE PROVISION FOR MILITARY LEAVE FOR PUBLIC EMPLOYEES.

Prime Sponsor: Representative Haigh

! The year that is the basis for state employee military leave is changed from the calendar year to October 1 through September 30.

HB 1084: AUTHORIZING INDEPENDENT SALARY COMMISSIONS FOR CITIES, TOWNS, AND COUNTIES.

Prime Sponsor: Representatives Dunn and Ogden

(SB 5065 Senator McCaslin)

! Cities, towns, and counties are authorized to establish independent salary commissions. The commission determines the salary for the elected officials for that city, town, or county.

! The commission's salary determination is subject to referendum.

HB 1131: MODIFYING THE POWERS OF PUBLIC HOSPITAL DISTRICTS.

Prime Sponsor: Representative Mulliken

! The date a public hospital district must submit its budget is changed from the first Monday in September to November 1. Publication requirements are clarified to say that notice of filing and hearing dates must be published at least once each week for two consecutive weeks.

! The first Monday in October hearing date is changed to fall on or before November 15.

HB 1173: PURCHASING MATERIAL, SUPPLIES, OR EQUIPMENT BY FIRE DISTRICTS.

Prime Sponsor: Representative Mulliken

! Fire protection district bid limits for purchases of material, supplies, or equipment are raised as follows: (1) exemption from bidding is raised from \$4,500 to \$10,000; (2) telephonic solicitation is raised from between \$4,500 and \$10,000 to between \$10,000 and \$50,000; and (3) formal sealed solicitation is raised from over \$10,000 to over \$50,000.

SHB 1282: ADDING THE CODE REVISER TO THE UNIFORM LEGISLATION COMMISSION.

Prime Sponsor: Representative D. Schmidt (SB 5286 Senator Patterson)

! The Code Reviser is authorized as a commissioner of the Uniform Legislative Commission.

SHB 1325: CREATING A JOINT COMMITTEE ON VETERANS' AND MILITARY AFFAIRS.

Prime Sponsor: Representative D. Schmidt (SB 5627 Senator Rasmussen)

! The Joint Committee on Veterans and Military Affairs (Joint Committee) is established, consisting of sixteen members, four from each major caucus in both houses. The Joint Committee must study and make recommendations to the Legislature on issues related to veterans, active military forces, and the National Guard and Reserve component. It must also study recommending legislation that requires the display of the National League of Families' POW/MIA flag on various holidays.

! The Joint Committee terminates on December 31, 2005.

SHB 1375: REAUTHORIZING THE EXPEDITED RULE ADOPTION PROCESS.

Prime Sponsor: Representatives Miloscia and Cox (SSB 5403 Senator Patterson)

! Agency authority for expedited rule adoption is re-enacted.

SHB 1376: EXEMPTING CERTAIN VETERANS AFFAIRS PERSONNEL FROM THE STATE CIVIL SERVICE LAW.

Prime Sponsor: Representative Armstrong and McDermott (SSB 5489 Senator B. Sheldon)

! It is clarified that the two assistants who are in unclassified positions are assistant directors.

! Additional unclassified positions are added: a confidential secretary for the deputy secretary and a confidential secretary for each assistant director.

HB 1384: CLARIFYING THE CIRCUMSTANCES UNDER WHICH THE GOVERNING BODY OF A PUBLIC AGENCY MAY HOLD AN EXECUTIVE SESSION TO DISCUSS LITIGATION.

Prime Sponsor: Representative Romero (SB 5655 Senator Patterson)

! For the purpose of a public agency holding an executive session to discuss litigation, "potential litigation" under the Open Public Meetings Act is defined to mean: (1) litigation that has been specifically threatened; (2) litigation that the body reasonably believes may be commenced by or against the body; or (3) litigation or legal

risks of a proposed action or current practice that the public body has identified when public discussion of the litigation or legal risks is likely to result in adverse legal or financial consequences.

- ! The Attorney General may provide technical assistance and training to the public agency.

SHB 1391: OVERSEEING STATUTORY LEGISLATIVE COMMITTEES.

Prime Sponsor: Representative Kessler

(SB 5726 Senator Spanel)

- ! The following committees are subject to the operational policies, procedures, and oversight of the Executive Rules Committee of the House of Representatives and the Facilities and Operations Committee of the Senate: Joint Legislative Audit and Review Committee (JLARC); Legislative Evaluation and Accountability Program Committee (LEAP); Joint Committee on Pension Policy (JCPP); Legislative Systems Committee (LSC); and Legislative Transportation Committee (LTC).

ESHB 1458: RELATING TO ESTABLISHING A TIME LINE FOR FINAL DECISIONS ON PROJECT PERMIT APPLICATIONS.

Prime Sponsor: Representative Edwards

- ! Local governments planning under the Growth Management Act (GMA) should issue final decisions on permit applications within 120 days unless they make written findings of the reasons why additional time is needed for processing.
- ! Certain GMA counties (Clark, King, Kitsap, Pierce, Snohomish and Thurston) and their cities must identify types of applications for which the deadlines and requirements for completeness are established. They must issue reports on their success in meeting these deadlines by type of application. At least two reports must be made by September 1, 2003, after which time no more reports are required.

HB 1523: RECONCILING CONFLICTING PROVISIONS IN LAWS PERTAINING TO CITIES AND TOWNS.

Prime Sponsor: Representative Mielke

(SB 5609 Senator Patterson)

- ! The time allowed to appeal decisions of boards of adjustment and the limitation on non-voter-approved municipal debt are made the same for code cities as they are for other cities.

HB 1546: AUTHORIZING ADDRESS CONFIDENTIALITY FOR VICTIMS OF STALKING.

Prime Sponsor: Representative Schual-Berke

(SB 5615 Senator Costa)

- ! Victims of stalking may participate in the Address Confidentiality Program. This program is administered by the Office of Secretary of State and presently covers victims of domestic violence or sexual assault.

HB 1548: GIVING THE METROPOLITAN PARKS DISTRICTS THE AUTHORITY TO USE THE SMALL WORKS ROSTER.

Prime Sponsor: Representative Kirby

(SB 5631 Senator Patterson)

- ! Tacoma's Metropolitan Park District, the only one in the state at this time, is given the option of using the small works roster process to contract for public works expected to cost more than \$5,000.
- ! A formal sealed bidding process is also provided for metropolitan park districts to use for contracts expected to cost more than \$5,000.

HB 1577: CLARIFYING STANDARDS FOR CANDIDATES USING PARTY DESIGNATIONS.

Prime Sponsor: Representative Schmidt

(SB 5783 Senator Gardner)

- ! Procedures are provided for determining a candidate's party affiliation if the candidate is nominated by more than one party.

- ! Procedures are also provided for determining a candidate's party affiliation if more than one party with conflicting claims to that party's name nominates candidates.

SHB 1644: CLARIFYING RECOUNT PROCEDURES.

Prime Sponsor: Representative McMorris

(SB 5704 Senator Fairley)

- ! Time lines for a recount are shortened and reporting procedures from the county auditor to the Secretary of State are modernized.
- ! It is clarified that all ballots cast for that office or ballot measure will be recounted if a partial recount would change the outcome of an election.
- ! The deposit requirement for optional recounts is changed to better reflect the actual costs of a recount.

SHB 1739: PROTECTING THE INTEGRITY OF ELECTIONS.

Prime Sponsor: Representative Bush

(SB 5579 Senator Shin)

- ! Registration procedures for all counties are standardized and new procedures for voter list maintenance are provided.
- ! Persons registering to vote are required to be reminded of the age and citizenship qualifications for voter registration.
- ! New crimes are created relating to disenfranchised voters and voter fraud.
- ! The Secretary of State is required to provide information to citizens and election officials regarding voter fraud and discrimination, and establish a web page.

HB 1770: ALLOWING CONTRIBUTIONS TO PRIMARY LOSERS.

Prime Sponsor: Representative McDermott

(SB 5870 Senator Spanel)

- ! A candidate who does not advance to the general election is permitted to collect campaign contributions until 30 days after the primary in order to pay off campaign debts.

HB 1943: EXPANDING THE PURPOSES OF COUNTY RAIL DISTRICTS.

Prime Sponsor: Representative Mulliken

- ! A county's current ability to create county rail districts to provide and fund improved freight service is expanded to allow for improved passenger service.

ESHB 1997: REVISING PROVISIONS RELATING TO INDUSTRIAL LAND BANKS.

Prime Sponsor: Representative Alexander

- ! Grant and Lewis counties are allowed to establish industrial land banks outside urban growth areas.

SHB 2049: ESTABLISHING TECHNICAL ASSISTANCE PROGRAMS.

Prime Sponsor: Representative Pearson

- ! A civil penalty may not be issued by an agency making a follow-up technical assistance visit to a small business if the violation that the agency discovers has not been identified in a previous technical assistance visit. However, the state Department of Labor and Industries may issue citations required by the federal Occupational Safety and Health Act (OSHA) and the Washington Industrial Safety and Health Act (WISHA).

**HJM 4002: ASKING THAT THE FEDERAL GOVERNMENT PROVIDE VETERANS' BENEFITS
OWED TO FILIPINO VETERANS.**

Prime Sponsor: Representative Veloria

(SJM 8011 Senator Shin)

! Congress is asked to amend the 1946 Rescission Act and honor our country's moral obligation to restore to the Filipinos full United States veterans' status with the military benefits that these veterans deserve.

TRANSPORTATION

786-7300

SSB 5114: MODIFYING MOTORCYCLE PROVISIONS.

*Prime Sponsor: Senator Horn
Hatfield)*

(HB 1057 Representative

- ! Revenue deposited into the Motorcycle Safety Education Account (MSEA) must be used only for motorcycle licensing administration and Department of Licensing's (DOL) motorcycle operator training and education program.
- ! Those motorcycles purchased for the purpose of providing motorcycle operator training through the DOL motorcycle safety education program are exempted from the sales tax.

SB 5223: FUNDING SAFETY AUDITS OF RAIL FIXED GUIDEWAY SYSTEMS.

Prime Sponsor: Senator Gardner

(HB 1097 Representative

Fisher)

- ! The Department of Transportation is authorized to seek reimbursement from the owner or operator of a rail transit system for the cost of federally mandated system audits.

SSB 5224: REDEVELOPING KING STREET RAILROAD STATION.

*Prime Sponsor: Senator Prentice
Fisher)*

(HB 1098 Representative

- ! The Department of Transportation is authorized to enter into a long-term lease with a private nonprofit group to finance the renovation of the King Street Railroad Station.

SSB 5274: REVISING THE APPOINTMENT OF VEHICLE LICENSING SUBAGENTS.

Prime Sponsor: Senator Gardner

- ! An open competitive process must be used to select a vehicle licensing subagent successor. The subagent may nominate a successor who is a relative or employee. The county auditor must submit two names for successor to the director of the Department of Licensing, one of which is the person nominated by the subagent and the other a qualified person chosen through the open competitive process.
- ! Service fees collected by subagents are increased from \$7.50 to \$8.50 for changes in certificates of ownership/title work and from \$3.00 to \$3.50 for registration renewals. The licensing fee is increased by 50 cents to \$3.50. The additional revenue must be used for subagent and agent support, including computer equipment.

SB 5305: CORRECTING OUTDATED REFERENCES AND DOUBLE AMENDMENTS.

Prime Sponsor: Senator Constantine

(HB 1367 Representative Esser)

- ! Technical amendments are made to correct outdated references and double amendments under Titles 29, 34, 42, 46, 47, and 82 of the Revised Code of Washington.

SB 5377: MARKING THE GROSS WEIGHT ON CERTAIN VEHICLES.

Prime Sponsor: Senator Gardner

- ! The requirement for motor trucks, truck tractors and tractors to have their licensed gross weight placed on the outside of the vehicle is eliminated.

ESSB 5434: REMOVING THE PHOTO REQUIREMENT FOR SPECIAL IDENTIFICATION CARDS FOR PERSONS ISSUED DISABLED PARKING PERMITS.

Prime Sponsor: Senator Oke

(HB 1303 Representative

Fisher)

- ! The requirement for photographs to be included on special identification cards for individuals who have disabled parking placards or license plates is eliminated.

SSB 5494: CLARIFYING NOISE LAWS FOR MOTOR VEHICLES.

Prime Sponsor: Senator Jacobsen

- ! Modification of a vehicle's exhaust system is prohibited if the modification violates specific Society of Automotive Engineer's standards for noise emission.
- ! The prohibition does not apply to vehicles operated off highways in organized racing or competitive events.

SB 5518: WAIVING THE MOTORCYCLE EXAM FOR TRAINED OPERATORS.

Prime Sponsor: Senator Horn

(HB 1583 Representative

Cooper)

- ! The Department of Licensing is authorized to waive a portion of the motorcycle endorsement examination if the applicant has successfully completed an approved motorcycle education program.

SSB 5572: AUTHORIZING CRIME STOPPERS SIGNS IN VIEW OF SPECIFIED HIGHWAY SYSTEMS.

Prime Sponsor: Senator Snyder

- ! Signs displaying the Crime Stoppers logo, name and telephone number are added to the types of signs that can be displayed beside the road under the Scenic Vistas Act, chapter 47.42 RCW.

SSB 5681: PERMITTING EXCESS WEIGHT FOR FIRE-FIGHTING APPARATUS.

Prime Sponsor: Senator Kastama

(HB 1657 Representative

Morell)

Provisions of SSB 5681 is incorporated into HB 1095.

SSB 5733: ADJUSTING DAY LABOR ALLOWANCES FOR COUNTY ROAD CONSTRUCTION.

Prime Sponsor: Senator Haugen

- ! Existing county day labor annual limits may be increased by 10 percent for construction or improvement of county roads in counties with a population of less than 50,000 people.

SSB 6053: ADJUSTING STATE ROUTE 525.

Prime Sponsor: Senator Shin

(HB 2129 Representative

Fisher)

- ! Jurisdiction of Paine Field Boulevard is transferred from Snohomish County to the Washington State Department of Transportation. Paine Field Boulevard becomes part of State Route 525.

HB 1067: REVISING PROVISIONS RELATING TO THE COMMISSIONING AND TRAINING OF RAILROAD POLICE.

Prime Sponsor: Representative O'Brien

(SB 5229 Senator Costa)

- ! The responsibility for commissioning and training of railroad police is transferred from the Governor to the Criminal Justice Training Commission (CJTC).
- ! Railroad police are required to complete a course of training prescribed or approved by the CJTC.
- ! Railroad police officers are authorized to either wear a badge or carry official credentials.

HB 1095: UPDATING OVERSIZE LOAD PERMITS

Prime Sponsor: Representative Mitchell

(SSB 5226 Senator Haugen)

- ! Electronic issuance of over-size, weight, and load permits is authorized.
- ! Duplicate authorization provisions are repealed.

The following provisions from SSB 5681 are incorporated in HB 1095.

- ! Fire-fighting apparatus and their weight and size limits are defined.
- ! The apparatus must comply with federal and state vehicle operating and safety criteria including rules adopted by agencies within each jurisdiction and all owners of fire-fighting apparatus must comply with load restrictions of bridges.
- ! Special permits may be issued for fire-fighting apparatus that exceed weight and size limits for those that are in operation prior to July 1, 2001.

HB 1098: IMPROVING THE EFFECTIVENESS OF THE COMMUTE TRIP REDUCTION PROGRAM.

Prime Sponsor: Representative Fisher

(SB 5225 Senator Gardner)

- ! The Department of Transportation may contract directly with cities or transit providers for the distribution of commute trip reduction funding.

HB 1100: MODIFYING NOTICE REQUIREMENTS.

Prime Sponsor: Representative Fisher

(SB 5227 Senator Haugen)

- ! The Marine Employees Commission (MEC) is no longer required to serve notices using restricted certified mail.
- ! MEC is authorized to serve notices and submit filings by certified mail, by fax with transaction report verification, or same-day USPS mailing of copies.

HB 1394: CLARIFYING THE USE OF COUNTY ROAD FUNDS IN SALMON RECOVERY PROJECTS.

Prime Sponsor: Representative Eickmeyer

- ! County road funds are authorized to be used in the removal of barriers to fish passage when related to county roads. The authorization includes the use of the funds beyond the county right-of-way for fish passage barrier removal.
- ! The amount a county can spend beyond the right-of-way is limited to 25 percent of the total cost attributed to fish barrier removal on any one project.
- ! The amount a county can spend on fish barrier removal beyond the right-of-way in any one year is limited to one-half of one percent of a county's annual road construction budget.

EHB 1407: MODIFYING THE TAXATION OF FUEL.

Prime Sponsor: Representative Fisher

(SB 5660 Senator Haugen)

- ! The sale of motor vehicle fuel and special fuel by a licensed supplier to a distributor, importer, or blender is a taxable event.
- ! The definition of "motor vehicle fuel supplier" is amended to conform to federal regulations and the term "position holder" is changed to "licensed supplier".
- ! The Department of Licensing may waive bonding requirements for distributors who can show they have sufficient resources, assets or financial instruments to pay the taxes.

HB 1567: INCREASING THE PENALTY FOR THE INTENTIONAL MISUSE OF ABSTRACTS OF DRIVING RECORDS.

Prime Sponsor: Representative Fisher

(SB 5639 Senator Prentice)

- ! Intentional misuse of a driving record abstract is a class C felony. Negligent misuse of a driving record abstract is a gross misdemeanor.

HB 1568: UPDATING PROCEDURES FOR ACTIONS AGAINST DRIVING SCHOOL LICENSEES.

Prime Sponsor: Representative Lovick

- ! Technical corrections are made that allow suspension of driver training school or driver school instructor licenses when requirements for licensing are no longer met.

HB 1581: REVISING PROVISIONS FOR LICENSING OF MOTOR VEHICLE DEALERS AND MANUFACTURERS.

Prime Sponsor: Representative Cooper

(SSB 5640 Senator Benton)

- ! Clarifies the Department of Licensing's (DOL) authority as it applies to leased vehicles. DOL can suspend or revoke a vehicle dealers' license if they do not maintain a current certificate of registration with the Department of Revenue.
- ! Allows for the electronic transfer of DOL's motor vehicle dealer manual and updates to dealers.

The following provisions are incorporated from HB 1736.

- ! Requires used car dealers to complete eight hours of training and pass a test to qualify for a dealer's license as well as complete five hours of continuing education per year. The training and test are to be developed by the motor vehicle industry including, but not limited to, the State Independent Auto Dealers Association and DOL.
- ! Increases the surety bond required for a vehicle dealer from \$15,000 to \$30,000.

HB 1582: EXEMPTING CERTAIN MOTORCYCLES USED FOR TRAINING FROM THE USE TAX.

Prime Sponsor: Representative Hatfield

(SB 5519 Senator Horn)

- ! Motorcycles loaned to entities providing training under the motorcycle operator training and education program are exempt from use tax.

HB 1584: REVISING REQUIREMENTS FOR VEHICLE LICENSE RENEWAL.

Prime Sponsor: Representative Haigh

(SB 5658 Senator T. Sheldon)

- ! The requirement that a certificate of registration or preprinted application be provided by the vehicle owner to renew a vehicle license is eliminated.

SHB 1596: AUTHORIZING TRANSPORTATION FOR PERSONS WITH SPECIAL NEEDS.

Prime Sponsor: Representative G. Chandler

- ! Authority is expanded for new county transportation authorities and new public transportation benefit areas allowing them to provide service to special needs persons only.
- ! Defines those with special needs to include persons who, because of physical or mental disability, income status, or age, cannot transport themselves.

SHB 1678: FUNDING ADVANCE RIGHT-OF-WAY ACQUISITIONS.

Prime Sponsor: Representative Fisher

(SB 5750 Senator Horn)

- ! A city and county advance right-of-way fund is created that allows cities and counties to purchase rights-of-way in advance of construction.
- ! The Department of Transportation is encouraged to develop a joint trenching policy with other jurisdictions to coordinate utility cuts. Utilities must reimburse the department for the costs of inspecting utility cuts.

SHB 1680: EXTENDING DESIGN-BUILD FOR PUBLIC WORKS.

Prime Sponsor: Representative Fisher

(SB 5742 Senator Haugen)

- ! The Department of Transportation (DOT) must develop a process for using the design-build procedure on transportation projects over \$10 million.
- ! DOT may purchase new auto ferries through the use of a modified request for proposals process, in which a shipbuilder and DOT enter into a design-build partnership.

HB 1736: REQUIRING SPECIFIC MOTOR VEHICLE DEALERS TO MEET EDUCATION AND BONDING REQUIREMENTS IN ORDER TO RECEIVE A MOTOR VEHICLE DEALER'S LICENSE.

Prime Sponsor: Representative Hatfield

(SB 5617 Senator Prentice)

Provisions of HB 1736 are incorporated into HB 1581.

HB 1750: AUTHORIZING CITIES AND TOWNS TO REQUIRE FULL COMPENSATION FROM ABUTTING PROPERTY OWNERS FOR STREET VACATIONS.

Prime Sponsor: Representative Fisher

- ! If an abutting property owner acquires a portion of a vacated street or alley that has been part of a dedicated public right-of-way for more than 25 years, the city may require the property owner to pay up to the full appraised value of the vacated area.
- ! Half of the revenue received from street vacations must be spent on public open space or transportation capital projects.

HB 2029: AUTHORIZING CHANGES TO THE VIN INSPECTION PROGRAM.

Prime Sponsor: Representative Hurst

- ! The requirement that the Washington State Patrol (WSP) physically inspect vehicle identification numbers on out-of-state or out-of-country cars before they are registered in this state is removed. The inspection fee for rebuilt cars is raised from \$20 to \$50.
- ! The Department of Licensing (DOL) is required to institute a computer system to enable a stolen vehicle check. DOL must immediately report stolen vehicles to WSP and not register or title the car.

SHB 2221: ADJUSTING PROCEDURES FOR FERRY MAINTENANCE AND PRESERVATION.

Prime Sponsor: Representative Mielke

- ! Washington State Ferries are authorized to: (1) enter into single source contracts for maintenance and preservation dry docking for those classes of vessels for which only one bidder is available; and (2) evaluate factors other than price when selecting a successful provider for large equipment and systems.

WAYS & MEANS

786-7715

ESB 5143: MODIFYING THE WASHINGTON STATE PATROL RETIREMENT SYSTEM RETIREMENT AND SURVIVOR BENEFITS.

Prime Sponsor: Senator Long

(EHB 1046 Representative

Doumit)

- ! Makes several changes to the Washington State Patrol (WSP) retirement system benefits and funding provisions for persons who first become members after January 1, 2003.
- ! The major changes include: (1) disability benefits are adjusted; (2) the definition of "average final salary" is adjusted for both current and new members to exclude voluntary overtime, and for new members, to exclude leave cash-outs; (3) a new COLA (based on the CPI), up to 3 percent per year, is provided for current and future retirees; (4) the member contribution rate is adjusted to the greater of 2 percent of salary, or equal to the state contribution rate; and (5) military service credit will be provided only for periods of service that interrupt the WSP service.

SB 5145: EXEMPTING TRAINERS AND TRAINEES IN HOUSING AUTHORITY RESIDENT TRAINING PROGRAMS FROM MEMBERSHIP IN THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM.

Prime Sponsor: Senator Long

(HB 1047 Representative

Sommers)

- ! Persons who are employed in resident apprenticeship training programs operated by housing authorities are exempted from membership in the Public Employees Retirement System if they are covered by a union-sponsored retirement plan, or a Taft-Hartley retirement plan, for such employment.

SSB 5309: PROVIDING FUNDING FOR LOCAL GOVERNMENT CRIMINAL JUSTICE.

Prime Sponsor: Senator Constantine

(HB 1101 Representative Doumit)

- ! Additional monetary penalties are imposed for traffic infractions and persons convicted of traffic crimes.
- ! Money retained by local governments is considered reimbursement as required under the unfunded mandate statute.
- ! Drug court operations are made a permanent allowable use of the Public Safety and Education Account.

ESSB 5372: AUTHORIZING COOPERATIVE AGREEMENTS CONCERNING THE TAXATION OF CIGARETTE SALES ON INDIAN LANDS.

Prime Sponsor: Senator Prentice

(HB 1201 Representative Dunshee)

- ! The Governor is authorized to enter into cooperative agreements concerning the sales of cigarettes with federally recognized Indian tribes located within Washington.
- ! Cigarettes sold on Indian lands during the cooperative agreement's term are subject to a tribal cigarette tax and are exempt from cigarette, sales and use taxes.

**SSB 5474: MODIFYING PROVISIONS CONCERNING THE GENERAL
ADMINISTRATION SERVICES ACCOUNT.**

*Prime Sponsor: Senator B. Sheldon
Sommers)*

(SHB 1342 Representative

- ! The requirement that purchasing and contract administration activities be subject to appropriation is removed. The director of the Department of General Administration (GA) may authorize expenditures for these activities from the General Administration Services Account.
- ! The Energy Efficiency Services Account is eliminated. Fees paid by school districts and other public agencies for Energy Life Cycle Cost Analysis services are deposited into the General Administration Services Account and are not subject to appropriation.

**SSB 5484: PROVIDING A LIMITED SALES TAX EXEMPTION FOR CERTAIN SALES OF CONIFER
SEED.**

Prime Sponsor: Senator Hargrove

- ! Sales and use tax exemptions are provided for sales of conifer seed that is placed into freezer storage by the seller and used to grow timber outside Washington or sold to an Indian tribe for growing timber in Indian country.

SSB 5702: CHANGING TAXATION OF FOREST LANDS.

Prime Sponsor: Senator Snyder

- ! Classified and designated forest lands are combined into the designated forest land category under the forest land current use valuation program.
- ! Up to 10 percent of a designated forest land is authorized to be used for incidental uses compatible with the growing and harvesting of timber.
- ! A county legislative authority is authorized to require a reasonable processing fee with an application for designation.
- ! The number of years of back taxes that must be paid following removal from designation is reduced from ten to nine.

**SSB 5988: ESTABLISHING COMPENSATION LEVELS FOR CERTAIN EMPLOYEES OF THE
STATE INVESTMENT BOARD.**

Prime Sponsor: Senator Snyder

(HB 2057 Representative Sommers)

- ! The State Investment Board is authorized to set compensation levels for the executive director, a confidential secretary, and all investment officers.
- ! The compensation levels will be determined through a biennial survey of similar sized funds conducted by the investment board with review from the Joint Audit and Legislative Review Committee. Salary increases may not exceed an average of five percent.

**SJM 8008: REQUESTING A JOINT OREGON-WASHINGTON COMMITTEE ON TAXATION BE
ESTABLISHED.**

Prime Sponsor: Senator Benton

- ! Because Washington residents working in Oregon pay Oregon income tax, and Oregon residents buying goods in Washington do not pay sales tax, the Governor and Legislature of Oregon are asked to establish a joint

committee on taxation with Washington, consisting of an equal number of legislators from both states, to study the issue of tax fairness for residents residing in one state who are employed, conduct business, or make purchases in the other state.

SHB 1000: MANAGING CAPITAL FACILITY PROJECTS BY THE PUBLIC WORKS BOARD.

Prime Sponsor: Representative Murray

- ! The definition of "public works project" is expanded to include planning projects that may include biological, hydrological, or other data on a county basin or region, in order to develop a base of information for a capital facility plan.
- ! Currently, the percentage of the Public Works Assistance Account that can be used for emergency loans, pre-construction loans and loans for capital facility planning is capped at 15 percent of the biennial capital appropriation for the program.
- ! The allowable percentage that can be used for emergency loans is increased from 5 percent of biennial capital appropriations to 10 percent, and not more than 1 percent may be expended for capital facility planning loans. These loans no longer need specific legislative approval.

SHB 1001: AUTHORIZING PROJECTS RECOMMENDED BY THE PUBLIC WORKS BOARD.

Prime Sponsor: Representative Alexander

- ! The annual public works project is authorized. As recommended by the Public Works Board, 46 public works project loans totaling \$73,502,877 are authorized for the 2001 loan cycle. In addition, \$1 million from the Public Works Assistance Account is recommended for emergency infrastructure loans.
- ! In addition, \$93.6 million is appropriated to the Department of Community, Trade, and Economic Development for 27 additional project loans recommended by the Public Works Board.

SHB 1004: ADJUSTING DISABILITY AND SURVIVOR PAYMENTS FOR THE VOLUNTEER FIRE FIGHTERS RETIREMENT SYSTEM.

Prime Sponsor: Representative Morris

- ! An annual automatic increase is provided, based on the change in the national Consumer Price Index, for disability and survivor benefits under the volunteer fire fighters retirement system.

HB 1018: PROVIDING TAX RELIEF FOR DISASTERS.

Prime Sponsor: Representative Pennington

(SB 5157 Senator Zarelli)

- ! Labor and service charges associated with moving houses, demolishing houses, or removing debris from a federal landslide disaster are exempt from sales tax.
- ! The sales tax exemptions expire on July 1, 2003.

HB 1045: REDUCING THE LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM PLAN 2 DISABILITY ACTUARIAL REDUCTION AGE FROM FIFTY-FIVE TO FIFTY-THREE.

Prime Sponsor: Representative Conway

(SB 5146 Senator Franklin)

- ! The calculation of LEOFF 2 disability benefits is amended so that the actuarial reduction is calculated based on the number of years the disabled member is younger than age 53, the new LEOFF 2 retirement age.

HB 1048: PERMITTING TEACHERS RETIREMENT SYSTEM PLAN 1 (TRS 1) RETIREES TO WORK UP TO 840 HOURS IN A YEAR WITHOUT A REDUCTION IN RETIREMENT BENEFITS.

Prime Sponsor: Representative Lambert

(SB 5151 Senator Carlson)

- ! TRS 1 retirees are permitted to work up to 840 hours per school year, with any employer, and in any kind of position, without a reduction in their retirement benefits.

HB 1055: EXEMPTING CERTAIN LEASEHOLD INTERESTS FROM LEASEHOLD EXCISE TAX.

Prime Sponsor: Representative Haigh

(SB 5210 Senator T. Sheldon)

- ! Leases of public land consisting of at least 3,000 residential lots are exempt from the leasehold excise tax and are subject to the property tax. This applies to the lot only. Residents currently pay the property tax on the buildings. Presently, this will only apply to the Lake Cushman Development.

HB 1116: CLARIFYING TAX EXEMPTIONS FOR SALE OR USE OF ORTHOTIC DEVICES.

Prime Sponsor: Representative Campbell

(SB 5390 Senator Constantine)

- ! The sales and use tax exemptions for orthotic devices prescribed by chiropractors, osteopaths, and physicians are extended to orthotic devices prescribed by podiatrists.

SHB 1119: MODIFYING THE TAXATION OF NEW AND USED MOTOR VEHICLE SALES.

Prime Sponsor: Representatives Schoesler and Gombosky

(SB 5475 Senator B.

Sheldon)

- ! Auto dealers, licensed in Washington or another state, are exempt from the business and occupation (B&O) tax on wholesale sales of used motor vehicles to dealers at auto auctions.
- ! New car dealers are exempt from the B&O tax on inter-dealer sales of new vehicles for the purpose of adjusting inventory levels.
- ! In-state dealers that make courtesy deliveries of new vehicles on behalf of out-of-state vehicle dealers are deemed to be agents of the out-of-state dealers and must collect the B&O tax. The in-state dealer may withhold the tax from the proceeds of the sale.

SHB 1125: LIMITING THE COMBINED SALES TAX RATE ON LODGING.

Prime Sponsor: Representative Cairnes

(SB 5330 Senator Constantine)

- ! A local sales and use tax change adopted after December 1, 2000, must provide an exemption for sales of lodging if the total sales tax rate would exceed the greater of 12 percent or the total sales tax rate in effect on December 1, 2000.

SHB 1202: IMPROVING PROPERTY TAX ADMINISTRATION.

Prime Sponsor: Representative Cairnes

- ! A number of minor changes are made to improve the administration of property taxes by the Department of Revenue and by local governments.

SHB 1203: AUTHORIZING THE DEPARTMENT OF REVENUE TO MODIFY SALES TAX EXEMPTION DOCUMENTATION AND RETENTION REQUIREMENTS FOR SIMPLIFICATION PURPOSES.

Prime Sponsor: Representative Cairnes

- ! For a project, the Department of Revenue may enter into agreements with sellers on sales and use tax exemption administration to allow the use of electronic data collection in lieu of paper certificates.

HB 1213: CORRECTING STATUTES PERTAINING TO THE PUBLIC EMPLOYEES' AND SCHOOL EMPLOYEES' RETIREMENT SYSTEMS.

Prime Sponsor: Representative Delvin

(SB 5147 Senator Winsley)

- ! Several technical corrections are made to various statutes pertaining to the Public Employees Retirement System (PERS) and the School Employees Retirement System (SERS).

SHB 1214: CLARIFIES THE ADMINISTRATIVE AND INVESTMENT DUTIES OF THE DEPARTMENT OF RETIREMENT SYSTEMS (DRS) AND THE STATE INVESTMENT BOARD (SIB).

Prime Sponsor: Representative Sommers

(SHB 5152 Senator Fraser)

- ! A participant in the state Deferred Compensation Program (DCP) is added to the membership of the Employees Retirement Benefits Board. The duties of the DRS and the State Investment Board with regard to administration and investment of member accounts in the DCP and the state defined contribution plans are clarified.

SHB 1314: MAKING SUPPLEMENTAL OPERATING APPROPRIATIONS.

Prime Sponsor: Representative Sommers

(SSB 5346 Senator Brown)

- ! Makes supplemental operating appropriations for the 1999-2001 fiscal biennium.
- ! General Fund biennial appropriations are increased by \$194.5 million, including \$141 million for increased costs in the medical assistance program and \$16.5 million for increased enrollments in the public schools.

HB 1361: SIMPLIFYING EXCISE TAX APPLICATION AND ADMINISTRATION.

Prime Sponsor: Representative Jackley

- ! The Department of Revenue is directed until July 1, 2002, not to assess the business and occupation (B&O) tax on investment income of firms that have not previously been determined to be a financial business.
- ! Changes in local sales taxes that are credited against the state sales tax can be made after a 30 day notice and can take effect on the 1st day of any month.
- ! Businesses handling solid waste are subject to the B&O tax rather than the public utility tax.
- ! The requirement to report private timber purchases of over 200,000 board feet which expired July 1, 2000, is reinstated until July 1, 2004.

ESHB 1371: ALLOWING PARTICIPATION IN HEALTH CARE AUTHORITY INSURANCE PLANS AND CONTRACTS BY SURVIVING SPOUSES AND DEPENDENT CHILDREN OF EMERGENCY SERVICE PERSONNEL KILLED IN THE LINE OF DUTY.

Prime Sponsor: Representative Morell

- ! The surviving spouses and dependent children of Law Enforcement Officers and Fire Fighters Retirement System members, or the Volunteer Fire Fighters Relief and Pension System members, who are killed in the line

of duty after January 1, 1998, are given the option to be covered by the same health insurance plans that are provided for state and school district retirees.

HB 1385: CLARIFYING THE TAXABLE SITUS AND NATURE OF LINEN AND UNIFORM SUPPLY SERVICES.

Prime Sponsor: Representative Reardon

- ! State and local sales taxation of linen and uniform supply services is changed from the location of the laundering activity to the place of delivery to the customer.

SHB 1450: PROVIDING PROPERTY TAX RELIEF FOR CERTAIN LAND TRANSFERS.

Prime Sponsor: Representative Rockefeller

- ! Back taxes on property removed from a current use valuation program are not due when property is sold or transferred within two years of the death of an owner of at least 50 percent interest in the property if the property has been in current use programs continuously since 1993.
- ! Back taxes on property removed from a current use valuation program are not due after the death of an owner of the property if: (1) the property is sold or transferred within two years of the effective date of the act; (2) the death of an owner occurred after January 1, 1991; and (3) the property has been in current use programs continuously since 1993.

SHB 1467: IMPROVING PROPERTY TAX ADMINISTRATION BY CORRECTING TERMINOLOGY AND DELETING OBSOLETE PROVISIONS.

Prime Sponsor: Representative Reardon

- ! The value-averaging provisions of Referendum 47 that were invalidated by court decision are removed from the statutes.
- ! The multiple exemptions for business inventories are consolidated into one statute.
- ! In order to secure release of a performance bond, a purchaser of Department of Natural Resources timber need only present proof of payment of property taxes rather than all taxes.
- ! Obsolete property tax exemptions are repealed.

ESHB 1625: PROVIDING FOR SUPPLEMENTAL CAPITAL BUDGET APPROPRIATIONS.

Prime Sponsor: Representative Esser

- ! Makes supplemental capital appropriations for the 1999-2001 fiscal biennium.
- ! \$2.5 million is provided for earthquake-related costs for the capitol campus and to begin design work on the planned renovation of the Legislative Building. The Department of General Administration is directed to find relocation space for the statewide elected officials whose offices are within the Legislative Building. Dates are established for the move of the State Library and the vacation of the Legislative Building.
- ! \$1.3 million is provided for emergency site work at Highline Community College, and \$2.5 million is provided for land acquisition at the University of Washington in Tacoma.
- ! Several technical adjustments are to clarify the source of funds in making appropriations.

HB 1706: AUTHORIZING THE DEPARTMENT OF REVENUE TO ISSUE DIRECT PAY PERMITS.

Prime Sponsor: Representative Morris

(SB 5725 Senator Spanel)

- ! The Department of Revenue may grant a direct pay permit to a taxpayer required to use electronic funds transfer in paying taxes or making taxable purchases over \$10 million per year. The permit allows the taxpayer to remit directly to the department the use tax on the acquisition of tangible personal property and the sales tax on labor and services rather than paying each vendor at the time of sale.

SHB 1781: MAKING PAYMENT OF AGENCY COMMISSIONS FOR AGENCY LIQUOR VENDOR STORES.

Prime Sponsor: Representative Sommers

(SB 5815 Senator Prentice)

- ! Expenditures from the Liquor Revolving Fund for agency vendor store commissions are nonappropriated but allotted.
- ! The Liquor Control Board must establish commissions for agency vendor stores after consultation with and approval by the director of the Office of Financial Management.

SHB 2104: PROVIDING FOR AN INCREASE IN FOREST FIRE PROTECTION FUNDS.

Prime Sponsor: Representatives Rockefeller and Sump

(SSB 5447 Senator Jacobsen)

- ! Increases the forest fire protection assessment from \$.23 per acre to \$.25 per acre.
- ! Expresses the Legislature's intent that the forest fire protection assessment and the general fund share equitably in the funding for the Department of Natural Resources (DNR) fire protection program.
- ! Allows landowners to submit to the DNR a list of parcels in a single county that are subject to the assessment. DNR will calculate the correct assessment and bill the assessment to a single parcel, thereby reducing the administrative burden on landowners and county assessors.

SHB 2184: REVISING TAX TREATMENT OF PARK MODEL TRAILERS.

Prime Sponsor: Representative Berkey

- ! Sales of used park model trailers, which are fixed in location, are made subject to the real estate excise tax, rather than the sales and use tax.

ESHB 2191: PROVIDING PROPERTY TAX EXEMPTIONS FOR CERTAIN PROPERTY LEASED BY PUBLIC ENTITIES.

Prime Sponsor: Representatives Morris and Sehlin

- ! Real and personal property owned by nonprofit foundations of institutions of higher education that is leased to an institution of higher education is exempt from property tax if actively used by enrolled students.
- ! Real and personal property leased to a hospital owned by public hospital district is exempt from property tax.

HB 2222: PROVIDING FUNDING FOR EMERGENT NEEDS.

Prime Sponsor: Representative Sehlin

- ! \$1 million in state funds (from the emergency reserve account) and \$3 million in federal funds are appropriated for individual and family assistance grants for persons impacted by the Nisqually Earthquake.
- ! \$1 million in state funds (from the emergency reserve account) and \$4 million in federal funds are appropriated for additional energy assistance grants under the Low Income Home Energy Assistance Program.